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## Appeal Decision

Site visit made on 16 July 2021

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 July 2021**

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**Appeal Ref: APP/N5090/D/21/3273426**

**142 Normandy Avenue, Barnet EN5 2HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mr Nick Mott against the decision of the Council of the London Borough of Barnet.
  - The application Ref 21/0905/PNH, dated 19 February 2021, was refused by notice dated 1 April 2021.
  - The development proposed is a single storey rear extension.
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### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the GPDO for a single storey rear extension at 142 Normandy Avenue, Barnet EN5 2HS in accordance with the application Ref 21/0905/PNH and the details submitted with it, made on 19 February 2021 pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2), and subject to the following condition:

1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers: Location Plan Scale 1:1250; AN.21.100 and AN.21.101.

### Main Issue

2. The main issue of this appeal is whether the proposed development complies with the provisions of the GPDO.

### Reasons

3. The application which is the subject of this appeal was a notification under Schedule 2, Part 1, Paragraph A.4 of the GPDO of the intention to use permitted development rights to build a single storey rear extension which would exceed the limits in paragraph A.1 (f) but which, subject to the conditions set out in paragraph A.4, would be allowed by paragraph A.1 (g) of the GPDO.
4. The Council's main point of dispute is in respect of the discrepancy in the maximum height of the proposed extension between that provided on the appellant's application form and as shown on the submitted drawings. On the basis of this discrepancy the Council concluded that it had insufficient information to establish whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted

by Class A which exceeds the limits in paragraph A.1 (f) but is allowed by paragraph A.1 (g) of the GPDO.

5. In this particular case the maximum height of the proposed extension as provided on the appellant's application form is stated as 2.8m. The submitted drawings show a stagger in the height of the proposed development, which includes the existing 3m deep flat roof single storey rear extension. The appellant has confirmed that the height of the existing single storey rear extension is 3.3m, whilst the 3m deep addition would have a height of 2.8m, resulting in an overall projection of 6m. This discrepancy in the maximum height provides uncertainty in respect of notifications on the application and in considering the effect of the development on the amenity of neighbours, when necessary.
6. Nonetheless, because the maximum heights would fall within the parameters of paragraph A.1(g), I am satisfied that the information provided by the appellant technically satisfies the requirements applicable to development permitted by Class A, which exceeds limits in paragraph A.1(f) but is allowed by paragraph A.1(g). There is no dispute that the proposal would meet other criteria relating to rear extensions, and I agree that these criteria are met. As no objections were received from any local residents there is no requirement to consider the effect of the proposed development on the amenity of neighbouring occupiers.

### **Conditions**

7. The GPDO attaches standard conditions to this type of development. The GPDO also requires that the development must be carried out in accordance with the details provided in the application. However, for certainty, it is reasonable and necessary to attach a condition specifying the approved plans.

### **Conclusion**

8. For the reasons given above, the proposal complies with the requirements of the GPDO. Accordingly, I conclude that the appeal should succeed.

*W Johnson*

INSPECTOR