

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

Appeal Ref: APP/N5090/D/21/3269483

124 Hale Drive, London NW7 3ED

- 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 Mrs Husneara Begum against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/6027/PNH, dated 14 December 2020, was refused by notice dated 18 January 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity, I observed construction work being undertaken at the site during my visit, and whilst this involved works to the roof, including the removal of the chimney to the existing single storey rear projection (SSRP), I am satisfied that the proposed development has not commenced.

Main Issue

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

Reasons

4. 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.

The Council's main point of dispute is surrounding the SSRP, which it considers to be part of the original building. On this basis, the Council concluded that the proposed development does not comply with the requirements of sections A.1(j) of Part 1 of the GPDO, as the enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house and would have a width greater than half the width of the original dwelling house.

5. The appellant has provided a number of Ordnance Survey (OS) Maps and an aerial photograph to support her position that the SSRP is an extension to the original building. However, even if I accepted the position that the existing single storey rear projection was added to the host dwelling at some point after production of the 1930s OS Map and before the 1960s OS Map was produced, there is little evidence before me to satisfactorily demonstrate that the SSRP was constructed after 1 July 1948.
6. The Government's Permitted development rights for householders; Technical Guidance 2019, defines "Original" as a building as it existed on 1 July 1948 where it was built before that date, and as it was built, if built after that date. Therefore, on the balance of probabilities and taking into account my findings during my site visit, I am not convinced that sufficient evidence has been submitted to substantiate the assertion that the SSRP does not form part of the original dwelling house.

Other Matter

7. 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.

Conclusion

8. For the reasons given above, the proposal fails to comply with the requirements of the GPDO. Accordingly, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR