
Appeal Decision

Site visit made on 24 June 2021

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/N5660/D/21/3269462

113 Fawnbrake Avenue, London SE24 0BG

- 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 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Federico Forcolini against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/03707/PDE, dated 26 October 2020, was refused by notice dated 1 December 2020.
 - The development proposed is a single story side extension with 3m boundary wall and 5.3m deep.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, (Part 1, Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the Local Planning Authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development (PD).

Main Issue

4. The main issue is whether the development would be permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. The original dwellinghouse is defined in the GPDO as the house as it existed on 1st July 1948 or if built after this date, how it was originally built. The Council has indicated that originally there was a single storey rear element to the property (which has since been demolished and extended); this does not appear to be disputed by the appellant.

6. Where the enlarged part of the extension would extend beyond a wall forming a side elevation of the original dwellinghouse, a proposal must meet all of the limitations in A.1(j) (i) to (iii) in order to constitute PD. One of these limitations states that an extension would not be PD where it would extend beyond the side wall of the original dwellinghouse and would have a greater width than half the width of the original dwellinghouse. The Technical Guidance: Permitted Development for Householders September 2019 indicates that a wall forming a side elevation will be any that cannot be identified as being a front wall or a rear wall.
7. The side wall of the original single storey rear element cannot be identified as a front or rear wall, and therefore is a side wall. Consequently, the appeal extension extends beyond the side elevation of the rear element and would have a greater width than half the width of the original dwellinghouse.
8. As noted above, the original single storey rear element has been demolished. Nonetheless, the side wall of the element still counts as part of the original dwellinghouse, even though it no longer exists. The limitations to PD are based on the original dwellinghouse and apply even if part of the original is removed.
9. As a consequence of my conclusions on the extent of the original dwellinghouse, the proposed full-width extension would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse. I am therefore satisfied that the appeal proposal would not be permitted development under the terms of Part 1 Class A.1 (j) (iii) of the GPDO.

Conclusion

10. Based on the foregoing, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR