



Appeal Decision

Site visit made on 11 June 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021.

Appeal Ref: APP/P5870/D/21/3268025 32 Wrayfield Road, Cheam SM3 9TH

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Kanapathipillai Nanthan against the decision of the Council of the London Borough of Sutton.
The application Ref DM2020/02085, dated 10 December 2020, was refused by notice dated 20 January 2021.
 - The development proposed is Single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the plans refers to the site as being 32 Wayfield Road, while the application forms and the Council's decision notice refer to 32 Wrayfield Road. The address on the appeal form refers to 104 Ewell Road, Surbiton, which I note from the application form refers to the applicant's address rather than the site address. Both parties agree that the site is 32 Wrayfield Road and I am satisfied that the appellant is the original applicant so I have used the address in the banner heading above.
3. The Council altered the description of the development from "*Single storey rear extension*" to "*Prior approval for a single storey rear extension projecting from the rear of the original house by 5m.*" I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.

Main Issue

4. Whether the development would be permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

5. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraphs 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 – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

6. Permitted development rights granted through the GPDO are subject to a number of conditions and limitations, including those set out at paragraph A.4 of Part 1, Class A, of Schedule 2. Paragraph A.4(2) identifies the information that must be submitted with an application for prior approval in order to make it valid. The appellant has not questioned the date the application was validated by the Council, so the implication is that the information required by subparagraph 2 was provided on 10 December 2020.
7. Paragraph A.4(10) states that development must not begin before the occurrence of a number of the matters. Of those, paragraph A.4(10)(c) states the development must not begin before the expiry of 42 days following the date on which the information referred to in paragraph A.4(2) was received by the LPA without the LPA notifying the developer as to whether prior approval is given or refused. The expiry of 42 days following 10 December 2020 is 21 January 2021. The Council's decision notice is dated 20 January 2021. Thus, I am satisfied that the Council's decision was issued within the correct timeframe.
8. The GPDO 2015 was amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 through the insertion of paragraph A.1(ja): development is not PD where any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).
9. One of the 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 Guidance¹ indicates that a wall forming a side elevation will be any that cannot be identified as being a front wall or a rear wall.
10. Both parties agree that the dwelling currently benefits from a small single storey projection and further infill extension. The proposal is to extend the dwelling by providing a single storey extension to the side and rear of the existing property. The proposed extension would span the full width of the appeal property. It appears to me that the proposal would also include a side extension to provide the utility room, although there is already a similar lean-to arrangement here, attached to the existing single storey rear projection. Therefore, the proposal would include an extension to a side elevation resulting in a width greater than half the width of the original dwellinghouse.
11. The appellant submits that the element which affects the side wall would be demolished to make way for the proposed development and as such should not form part of the assessment. Whilst the appeal documents refer to the demolition, the plans and the application forms do not confirm that demolition would take place and I have been supplied with no substantive evidence to suggest that the proposed development involves any demolition.

¹ Technical Guidance: Permitted Development for Householders (2019); p22

12. It is further submitted by the appellant that the proposed extension should be assessed on the basis of Part g of A.1 rather than (j). My assessment is based on Part A.1(g) in that the proposal would exceed the limits in paragraph A.1(f) but is allowed by A.(g) as set out above. Notwithstanding, the Council has made their assessment on the basis of the information before them, as have I, with insufficient evidence for me to reach a conclusion to the contrary.
13. As the proposal would include the extension to a side wall and would result in a development that is more than half the width of the original dwellinghouse, I conclude that the proposed development cannot be considered to be PD.
14. Consequently, the development does not constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR