



Appeal Decision

Site visit made on 8 September 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021.

Appeal Ref: APP/T5720/D/21/3276035

155 Dorset Road, Merton Park, London SW19 3EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Suresh Amin against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P0889, dated 18 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is the demolition of existing conservatory and extension, erection of single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the extension proposed amounts to permitted development, taking into account the restrictions imposed by Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Reasons

3. The appeal relates to a semi-detached two storey dwelling. It has a conservatory and a single storey extension which together, span the full width of the rear of the dwelling.
4. The proposal seeks to remove the conservatory and part of the rear extension which would be replaced by a deeper extension. The Application Form states that the extension would be 6 metres deep with a maximum height of 4m and an eaves height of 2.6m.
5. The Council asserts that when considered alongside the existing addition, the proposed extension would exceed the limits set out in Class A.1 (h)(i), (i), and (j) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
6. Class A of the Regulations relates to the enlargement, improvement or other alteration of a dwellinghouse. Class A1 sub-paragraph (h)(i) directs that development is not permitted by Class A if the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres. As the proposal

relates to an extension which would not have more than a single storey, this paragraph is not a relevant consideration.

7. Sub-paragraph (i) of Class A directs that development is not permitted if the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.
8. Sub-paragraph (ja) of Class A states that development is not permitted if 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). In other words, if the extension falls within the limitations of (i) but it is being joined to a previous enlargement which exceeds these limitations (whether built following a planning application or under permitted development rights), it will not be permitted development.
9. The proposed extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse and it would be attached to a previous enlargement with an eaves height that is greater than 3 metres according to the plan included within the appellant's Statement (page 11). On this basis, the proposed extension is not permitted development.
10. I am mindful that the appellant has referred to development plan policy and has also highlighted examples of a number of residential extensions. However, my decision is based purely on the details of the application before me taking into account the Regulations referred to above.
11. Accordingly, the appeal does not succeed.

David Fitzsimon

INSPECTOR