
Appeal Decision

Site visit made on 7 March 2022 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/P5870/D/21/3279301

1 St. Dunstons Hill, Sutton, SM1 2JR

- 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) (the 'GPDO').
 - The appeal is made by Mr Mohsen Mahallati and Mrs Amineh Taghvaeisichani against the decision of London Borough of Sutton.
 - The application Ref DM2021/00462, dated 5 March 2021, was refused by notice dated 19 April 2021.
 - The development proposed is a single storey rear extension projecting from the rear of the original house by 5.3m.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of the development was modified by the Council during the planning application process. I have therefore taken the wording used on the appeal forms and the Council's decision in the above header instead of the superseded description on the planning application form.

Main Issue

4. The main issue in the appeal is whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

5. Paragraph (j) (iii) of Class A.1. of the GPDO sets out that development is not permitted if the enlarged part of the dwellinghouse 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.
6. The appeal property is located at the end of a short terrace of two storey dwellings. The appeal property currently features a modest rear conservatory

extension. The proposal is for a 5.3 metre deep rear extension that would replace the existing extension.

7. It is clear from planning application drawing No. 1606-PL-50 rev: A that the side wall of the proposed extension along the boundary with No. 3 St Dunstons Hill is wider than the appeal dwellings flank wall. Indeed, the appellant acknowledges that the extension has been designed to align with the external boundary line, which is circa 10cm wider than the appeal dwelling.
8. On this basis, I cannot conclude that the proposed extension would meet the criteria in paragraph A.1(j)(iii) of Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Other Matters

9. The appellant has drawn my attention to a previous application which was granted Prior Approval by the Council in 2017 for a rear extension at the appeal property. Whilst this previous extension was only 4m in depth, it does appear from the drawings provided by the appellant to have the same width as the appeal proposal. In terms of consistency in decision making, whilst I acknowledge that the Council granted consent in the past for a similar development and the GPDO has not been amended in the interim, when assessing whether a development meets the GPDO criteria, historic applications do not have an influence on my consideration.
10. I recognise that a 10cm gap between the extension and the boundary with No.3 St Dunstons Hill would not be wide enough to allow maintenance or cleaning. However, this consideration does not influence whether the proposed extension would constitute permitted development.
11. The appellant has made reference to their difficulty with communication with the Council and lack of a site visit during the planning application process, whilst I sympathise, this consideration also does not influence whether the proposal would constitute permitted development.

Conclusion and Recommendation

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

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

David MH Rose

INSPECTOR