



Appeal Decision

Site visit made on 12 April 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/Z5060/D/21/3283439

45 Victoria Road, Barking IG11 8PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Kamalathanan Veerapapathiran against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/01311/PRIEXT, dated 2 July 2021, was refused by notice dated 12 August 2021.
 - The development proposed is 'ground floor rear extension with flat roof'.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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) for a ground floor rear extension with flat roof at 45 Victoria Road, Barking IG11 8PY in accordance with the terms of the application, Ref 21/01311/PRIEXT, dated 2 July 2021, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the GPDO grant planning permission for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4 of Class A applies to development which would exceed the limits at paragraph A.1(f) but would comply with the limits at paragraph A.1(g).
3. The proposed development would comprise a single storey rear extension to a mid-terrace house which would extend beyond the rear wall of the house by more than 3 metres, but less than 6 metres. Paragraph A.4 is therefore applicable to the proposed extension, and the appellant sought prior approval from the Council. Paragraph A.4(3)(a) states the local planning authority may refuse such an application where, in the opinion of the authority, the proposed development would not comply with the conditions, limitations or restrictions applicable to the development.
4. The Council's decision notice states prior approval is required for the proposed development, which was refused because it considered the proposed development would fail to accord with the conditions, limitations or restrictions of Class A. The Council's officer report clarifies that it was considered the proposal would fail to accord with paragraph A.1(g) because 'the proposed

development extends beyond the rear wall, however, then curves around so it no longer sits behind the rear wall’.

Main Issue

5. Taking the above into account, the main issue is whether the proposed development would be permitted by Schedule 2, Part 1, Class A of the GPDO.

Reasons

6. The rear garden of the appeal dwelling is angled away from its rear elevation. Part of the proposed rear extension would therefore protrude to the side of the appeal dwelling, following the angled side boundaries of the rear garden. However, the proposed extension would remain positioned beyond the rear wall of the appeal dwelling, and it is clear that no part would extend beyond the original rear wall of the appeal dwelling by more than 6 metres.
7. The layout of the rear garden and the positioning of the proposed extension along its angled side boundaries would not prevent the proposal from complying with paragraph A.1(g) of Class A. There is no information before me to suggest the proposal would otherwise fail to accord with the provisions of Class A.

Conclusion

8. For the reasons given above, the appeal succeeds.

L Douglas

INSPECTOR