



Appeal Decision

Site visit made on 29 March 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2022

Appeal Ref: APP/N5090/D/21/3280013

7 Berkeley Crescent, New Barnet, Barnet EN4 8BP

- 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 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 Sujan Depala against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 21/3404/PNH, dated 18 June 2021, was refused by notice dated 26 July 2021.
 - The development proposed is a single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.95 metres and maximum height of 3 metres.
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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.

Preliminary Matters and Main Issue

3. 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.
 4. Development is permitted under Class A subject to limitations and conditions as set out in paragraphs A.1 to A.4. Paragraph A.1.(g) allows for a single-storey rear extension to project up to 6m beyond the rear wall of the original dwellinghouse. Paragraph A.1.(j)(iii) provides that where an extension that projects beyond a wall forming a side elevation of the original dwellinghouse it must not have a width greater than half the width of the original dwellinghouse.
 5. Accordingly, the main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.
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Reasons for the Recommendation

6. The rear elevation of the original dwellinghouse is staggered, with a small part facing towards the neighbouring property at No 7. Although this rear projection would be demolished under this proposal, it nevertheless appears to form part of the original dwellinghouse and therefore includes a side elevation for the purposes of consideration under Class A. The proposed extension would project beyond this side elevation and would span the entire width of the house. Consequently, it would not comply with the limitation in paragraph A.1.(j)(iii) and would not accord with Class A.
7. A rear extension was previously applied for¹ under Class A of the GPDO at No 11. The submitted drawings appear to show an extension projecting beyond a side elevation of the dwelling and spanning the entire width of the house, however the Council's report at the time made no comment on this point and concluded that prior approval was not required in that instance. Nevertheless, in this type of appeal I can only consider whether the proposal would comply with the GPDO or not, and the planning merits of the scheme are not within my remit to consider. Therefore, this previous decision does not alter the fact that the proposal before me does not accord with the limitations of Class A.
8. Accordingly, the proposed development would not be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Other matters

9. No objections were received to the proposal so it is not necessary for me to consider amenity in respect of paragraph A.4 of the GPDO.

Conclusion

10. Having regard to the above, and taking account of all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR

¹ Planning application ref. 17/1059/PNH