



Appeal Decision

Site visit made on 12 April 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/T5150/D/21/3284577

88 Brampton Road, LONDON, NW9 9DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Sanjay Kerai against the decision of London Borough of Brent.
 - The application Ref 21/2166, dated 9 June 2021, was refused by notice dated 19 July 2021.
 - The development proposed is for a single storey rear extension to dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

Main Issue

3. The main issue is whether the proposed development would constitute permitted development under the terms of Schedule 2, Part 1, Class A.1 (g) of the GPDO.

Reasons

4. The Council state that the proposed enlarged part of the dwelling would extend beyond the rear wall by more than 6m. Both the application form and the submitted plans indicate 6m deep extensions, though the proposed extensions are angled to follow the line of the rear garden boundaries.
5. It is this angled form which results in a straight-line distance (not angled) from the rear wall of the office/study to the furthest extent of the proposed extension of greater than 6m. Whilst the submitted plan shows angled lines of 6m to follow the side elevation boundaries of the proposed extensions, the permitted development criteria does not allow for this, with it simply stating that it is permitted to extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse. This is a terraced house and there would be a distance of over 6m from an original rear elevation to the end of part of the proposed extensions.

6. Further to the above, the angled extension proposed from the rear of the dwelling means that it would also project out from the line of the original side of the dwelling. Under Class A, paragraph J of the GPDO states that if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse it would have to have a width not greater than half the width of the original dwellinghouse. The proposed extension spans much of the width of the dwelling (over half) and so does not comply with this criterion.
7. On the basis of the evidence before me and my observations at the site visit, the proposed development would not satisfy the criteria to be permitted development, under the terms of Schedule 2, Part 1, Class A.1 of the GPDO.

Other Matters

8. Since I do not conclude that the proposal would be permitted development, it is not necessary to consider the effect it would have on the amenity of the neighbouring occupiers in this case.
9. To note, this conclusion does not infer any opinion on the outcome of any future planning application that the appellant may now want to submit for the extension as proposed, now I have resolved that it is not permitted development.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR