



Appeal Decision

Site visit made on 11 April 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/N5090/D/21/3284605 157 Great North Way, London NW4 1PP

- 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 appeal is made by David Erbllich against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/3820/PNH, dated 8 July 2021, was refused by notice dated 12 August 2021.
 - The development proposed is a 6 metre rear extension.
-

Decision

1. The appeal is allowed and prior approval is not required 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) for a 6 metre rear extension at 157 Great North Way, London NW4 1PP in accordance with the application 21/3820/PNH, made on 8 July 2021, and the details submitted with it, including plan nos GNW.157.LP (Location Plan) and GNW.157.Ex & PR.01 (Existing and Proposed Ground Floor and Rear Elevation), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. 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 (GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. The Council notified adjoining owners and occupiers about the proposed development and no representations were received. The Council considered that the proposal fails to comply with Paragraph A.1(j) of the GPDO.

Main Issue

5. Taking the above into account, 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 with regard to Paragraph A.1(j).

Reasons

6. No 157 is a two-storey, semi-detached dwelling which forms part of a small group of similarly designed semi-detached properties. GPDO paragraph A.1(j) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse.
7. The submitted location plan shows a rearward projection and the Council state that this is evident on their historic GIS maps. This projection is no longer present. Paragraph A.1(j) specifically refers to the original dwellinghouse. The term original is defined in the GPDO as the building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.
8. The appellant asserts that the small rear projection had no internal connection to the dwellinghouse and was accessed by an external door. They have provided evidence which demonstrates that the wall behind the projection was finished in pebble dash render which matches the rest of the dwellinghouse. The rear projection does not appear to be an existing or previous feature part of the similarly designed, neighbouring semi-detached properties. The available evidence does not show with a sufficient degree of clarity and precision that the rearward projection formed part of the original dwellinghouse.
9. As such, on the evidence available to me, I consider that, as a matter of fact and degree, it has been demonstrated that the rearward projection did not form part of the original dwellinghouse. The proposed development would therefore meet the limitation of A.1(j). Consequently, the proposal would satisfy paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO and so would constitute permitted development.

Conditions

10. The Council has suggested planning conditions in their questionnaire. However, I consider the imposition of these conditions to be unnecessary as they duplicate the conditions imposed by the GPDO. The GPDO sets out the conditions applicable to the proposal, which includes that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In addition, I have included reference to the plans and details submitted as part of the application in the opening paragraph of this decision. Therefore, based on the evidence submitted, I do not consider that there are any necessary conditions reasonably related which should be attached.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed and prior approval is not required.

L M Wilson

INSPECTOR