



Appeal Decision

Site visit made on 28 April 2022

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/M5450/D/21/3289047
22 Boxtree Road, Harrow HA3 6TG

- 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 Mr Kalpesh Patel against the decision of Harrow Council.
 - The application Ref P3788/21/PRIOR, dated 12 September 2021, was refused by notice dated 28 October 2021.
 - The development proposed is Single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether prior approval should be granted having regard to the size of the extension and its effect on the living conditions of the adjoining occupants

Reasons

3. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits development consisting of the enlargement of a dwellinghouse by construction of a single storey rear extension up to a specific size for both detached and semi-detached dwellings. However, development is permitted under Class A subject to limitations and conditions as set out in the Schedule.
4. Paragraph A.4 requires that before beginning the development, the developer must apply to the Council for prior approval in relation to certain matters. Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
5. The Council find that the proposal is not within the limitations of the GPDO and therefore refused the proposal. They also conclude that the proposal would be harmful to the living conditions of the adjoining occupants at Number 20 Boxtree Road.

6. There are presently a number of extensions to the original dwelling. This includes a two-storey side extension that extends beyond the rear elevation of the original dwelling. Adjacent to this extension is an earlier flat roofed single storey rear kitchen extension that connects to this more modern addition. An infill extension is sought between the kitchen extension and the party boundary with Number 20 Boxtree Road.
7. As stated earlier, planning permission is granted by virtue of permitted development rights for certain types of development subject to specified conditions and limitations. Class A Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO) grants planning permission for the enlargement, improvement or other alteration of a dwellinghouse subject to certain conditions and limitations. Class A.1. (j) provides 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 (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 or (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).
8. Where the new extension is proposed to the rear of the original dwelling it would effectively join all extensions together at the back of the dwelling. The proposed extension cannot be taken in isolation, and as a combination of extensions, would have a width greater than half the width of the original dwelling house. Therefore, in this circumstance, as the proposal would be a width greater than half the width of the original dwellinghouse and fails to meet the thresholds in Class A.1(j) (iii) and (ja), it is not permitted development.
9. As I have found that the proposal is not permitted development under Schedule 2, Part 1 Class A of the GPDO, there is no requirement for me to assess the proposal on the basis of its impact on the amenity of all 'adjoining' premises.

Conclusion

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

Alison Scott

INSPECTOR