



Appeal Decision

Site visit made on 3 May 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2022

Appeal Ref: APP/Z5630/D/22/3291290

154 Tolworth Rise South, Tolworth KT5 9NJ

- 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 Safa Khudairy against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 21/02571/PAEXT, dated 4 August 2021, was refused by notice dated 16 September 2021.
 - The development proposed is a single storey large extension of 6m depth
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), having particular regard to the provisions of Paragraph A.1(j)(iii).

Reasons

3. The appeal site comprises a semi-detached property which has existing two-storey side and single-storey rear extensions. These extensions are understood not to be original.
4. The appeal property, the adjoining property and those further along the street, each have a small, uniform and historic projection along the rear elevation, forming a secondary chimney breast. Some of these chimney breasts have been capped, had their stacks removed or have been partly concealed behind existing extensions, including that of the appeal property. Nevertheless, such a projection, extending beyond the original rear elevation, clearly exists at the appeal property. This is not shown on the submitted drawings.
5. Development is not permitted by Paragraph A.1(j)(iii) of Schedule 2, Part 1, Class A of the above Order if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original house.

6. The Permitted Development Rights for Householders: Technical Guidance (2019)¹ indicates that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. The projecting chimney breast at the appeal property cannot be identified as a front or rear wall and therefore forms a side elevation.
7. Based on the above, and the drawings submitted, the proposed extension would extend beyond a wall forming a side elevation of the original dwelling. I accept that this original side wall projects only marginally beyond the main rear wall of the house. However, this, coupled with the fact that it would have a width greater than half the width of the original house is such that the proposed development does not accord with the above Order.
8. I therefore conclude that the proposed extension does not constitute permitted development. As such, I have no need to consider the amenity of the neighbours or to consider planning policy.

Other Matters

9. I note the appellant's reference to the fact that the property is not located within a conservation area, is not listed, and that the proposed extension would not exceed 3m in height, replacing an existing extension. However, these matters do not overcome the fact that the proposed development fails to accord with the Order, as set out above.

Conclusion

10. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

A Price

INSPECTOR

¹ <https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>