
Appeal Decision

Site visit made on 14 June 2022 by Max Webb BA(Hons)

Decision by K Taylor BSC (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/H5960/D/22/3296224

81 Wimbledon Park Road, London SW18 5TT

- 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 Neil Punwani against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2022/0147, dated 6 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted 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 single storey rear extension at 81 Wimbledon Park Road, London SW18 5TT in accordance with the terms of application Ref 2022/0147, made on 6 December 2021, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

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

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 (GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. 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.

5. Paragraph A.4(4) says that sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval. The local planning authority did notify each adjoining owner or occupier about the proposed development, and no responses were received with regards to this.

Main Issue

6. Therefore, the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1), Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

7. The appeal site is a terraced property with a single storey rear projection. This projection covers approximately half of the rear wall of the main part of the dwelling, and the side wall of this projection therefore could be construed as the side elevation, for the purposes of assessing the proposal against the GPDO.
8. The appellant has stated they intend to demolish the single storey rear projection before the construction of the proposal, as is shown by the plans before me. As a result, the proposal would extend from the rear wall of the main part of the dwelling by 6m. The proposal would not extend beyond the walls of the side elevation of the dwelling.
9. Therefore, the proposal would not conflict with paragraph A.1(j)(iii) of the GPDO.

Conditions

10. The Council have suggested a condition regarding materials, however as this proposal is subject to the conditions set out in Schedule 2, Part 1, Class A of the GPDO, I do not consider it necessary to include a separate materials condition. The Council have also suggested a number of notes, however they can directly notify the appellant of these and I do not consider it necessary to add those to this appeal decision.

Conclusion and Recommendation

11. For the reasons given above, I recommend that the appeal should be allowed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR