



Appeal Decision

Site visit made on 13 September 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Appeal Ref: APP/N5090/D/22/3293500

32 St Mary's Crescent, Hendon, London NW4 4LH

- 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.
 - The appeal is made by Ms Debra Cohen against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/6009/PNH, dated 12 November 2021, was refused by notice dated 17 December 2021.
 - The development proposed is a single storey rear extension with a flat roof.
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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 (GPDO).

Reasons

3. Development is not permitted by Schedule 2, Part 1 Class A of the GPDO (the 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 dwellinghouse¹.
4. The appeal property has been previously extended. Plans submitted with the appeal indicate that planning permission² was granted for a two-storey side extension and single storey rear extension which involved the demolition of a small projection on the rear elevation. The proposal before me involves the demolition of the single storey extension built as part of that permission and its replacement with a larger single storey flat roofed extension extending almost the full width of the original rear elevation of the property.
5. The Council's case rests on the basis that the proposed extension would extend beyond a side wall of the original dwellinghouse and, as it would extend across the full width of the original rear elevation, would have a width greater than half the width of the original dwellinghouse. Central to this is that, despite the existing rear projection having been demolished to facilitate the previous extension, the proposal would still extend beyond an original side wall of the house.

¹ Paragraph A.1(j).

² LPA Reference: H/02162/14

6. The Council's officer report refers to aerial photographs and plans which accompanied the submission of the previous planning application. Whilst I have not been supplied with the photographs, I do have a copy of the plans for this application. Furthermore, I have been supplied with an extract from an undated OS map which appears to show the appeal property and others in the crescent to have small projections on their rear elevations. I have not been presented with any substantive evidence that these projections are not original.
7. The side wall of the original projection which faced the boundary with 30 St Mary's Crescent, even though it has been demolished and no longer exists, is nonetheless capable of forming a side wall for the purposes of paragraph A.1(j). Therefore, it is a wall forming a side elevation of the original dwelling house for the purposes of Schedule 2, Part 1, Class A.1(j) of the GPDO.
8. Whilst the proposed extension would not extend beyond the outer flank wall of the original house, it would extend beyond the side elevation of the now subsumed rear projection which formed part of the original dwellinghouse and even taking account of the two-storey side extension which is not original, would extend more than half the width of the original dwellinghouse.
9. In coming to my conclusion, I have had regard to pages 22-28 of the 'Permitted development rights for householders - Technical Guidance' (MHCLG September 2019) which provides examples of extensions which would and would not comply with the limitations set by the GPDO. These pages provide illustrations to explain the restrictions of the Order and are not exhaustive. Nor does this guidance form part of the Order.

Conclusion

10. As the proposed extension would extend beyond a side elevation of original house and would be more than half the width of the original dwellinghouse, the appeal scheme would not comply with the definition of permitted development set by the Order. Therefore, for the reasons set out above and having considered all matters raised I conclude that the proposal would not fall within the definition of permitted development set out in Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the appeal is dismissed.

K L Robbie

INSPECTOR