



Appeal Decision

Site visit made on 26 July 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2022

Appeal Ref: APP/G5750/D/22/3292478

10 Ashley Road, Forest Gate, London E7 8PE

- 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 Sebastian Stanislaw Mroz Wojciech Krzywda against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/02809/PREHH, dated 7 November 2021, was refused by notice dated 16 December 2021.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (hereafter "the GPDO") allows for the enlargement, improvement or other alteration of a dwelling house subject to the exclusions, limitations and conditions set out in Paragraphs A.1. to A.4. When a proposal complies with these conditions, limitations and restrictions, the local planning authority is required to determine whether or not prior approval should be granted, having regard to objections received in respect of the impact on the amenity of any adjoining premises.
3. In this case the Council considers that the proposed extension does not comply with the limitations in Paragraph A.1.(j). It nevertheless issued a neighbour notification (this is not unusual given the strict time limits imposed to determine such applications), and received objections from the occupiers of two adjoining properties.
4. The main issues are therefore:
 - Whether the proposed development complies with the limitations imposed by paragraph A.1.(j) of Part 1, Class A of the GPDO; and
 - If so, should prior approval be granted having regard to the amenity of the adjoining premises at Nos 8 and 12 Ashley Road.

Reasons

Limitations

5. The appeal property is a two-storey terraced dwelling, within a short street of similar properties. It has an original two-storey outrigger (mirroring that on No 8 next door to the north) at the rear, with a further single-storey "lean-to" type extension beyond the rear wall of the outrigger.
6. The proposal is the erection of a single storey rear extension. It would project 6m beyond the main rear elevation between the side of the outrigger and the boundary with No 12 to the south, and around 5.75m beyond the end of the two-storey part of the outrigger (replacing the "lean-to" in the process).
7. The Government's technical guidance¹ ("the guidance") explains that a wall forming a side elevation is any wall that cannot be identified as a front or rear wall. It goes on to explain that where an extension fills the area between a side elevation and a rear wall the restrictions on extensions beyond rear walls and side walls will both apply (p23).
8. The appellant contends that the Council erred in its interpretation of the GPDO, and should have treated the proposal as being for an extension coming off the main rear wall. However, while the guidance explains that a staggered rear elevation can have separate extensions, the example provided (p18) shows extensions which are not connected internally and which do not create a single extension. In this case, the extension would wrap around the original outrigger creating a single extension which would extend beyond a side wall, and it is therefore necessary to consider the restrictions in respect of both rear and side walls.
9. As the total width of the extension would be more than half the width of the original house, I find that the proposed development would not comply with the limitations imposed by paragraph A.1.(j) of Part 1, Class A of the GPDO. It would not therefore be permitted development.

Amenity

10. I have found that the proposal would not be permitted development under Part 1, Class A of the GPDO. It is not therefore necessary for me to consider the impact of the proposed development on the amenity of adjoining premises, as this could not change my overall conclusion in this appeal.

Conclusion

11. For the reasons set out above the appeal is dismissed.

M Cryan

Inspector

¹ *Permitted Development Rights for Householders – technical guidance* – Ministry of Housing, Communities & Local Government 2019