



Appeal Decision

Site visit made on 13 December 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/B5480/D/22/3297802

290 Mawney Road, Romford RM7 8DL

- 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 GPDO).
 - The appeal is made by Mr Harjeet Singh against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0031.22, dated 2 February 2022, was refused by notice dated 3 March 2022.
 - The development proposed is single storey rear extension with an overall depth of 6m, a maximum height of 3m, and an eaves height of 2.80m. (Prior Approval).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issues

3. The main issue is whether the proposal would comply with Schedule 2, Part 1, Class A of the GPDO.

Reasons

4. The extant dwelling is a semi-detached bungalow with a bay window/French doors and a sunroom to the rear. The bay is similar to that on the adjoining bungalow, and based on the evidence before me it is part of the original dwelling. The bay includes solid rendered surfaces on each side below and above the extent of glazing, which are at a right angle to the rear elevation. Due to the orientation and extent of rendered surfacing, each side of the bay represents a wall forming a side elevation within the terms of the GPDO.
5. The Council's reason for refusal sets out that the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and which would have a width greater than half the

- width of the original dwellinghouse. This would be contrary to the provisions of Schedule 2, Part 1, Class A, Paragraph A.1(j)(iii) of the GPDO.
6. The bay would be removed as part of the proposal. However, for the purposes of calculating the limitations of permitted development, the starting point should be the location of the original wall, based on the original footprint of the dwellinghouse, whether the wall would be demolished or not. On that basis, the proposal would extend beyond a wall forming a side elevation of the original dwellinghouse i.e. the walls that form part of the bay. The proposal would also have a width greater than half the width of the original dwellinghouse. Consequently, the proposal would fail to comply with Schedule 2, Part 1, Class A, Paragraph A.1(j)(iii) of the GPDO.
 7. The appellant submits that the proposal would not exceed 50% of the total area of curtilage and should therefore fall within the remit of permitted development. Reference is also made to the length of the proposed extension, and a projection of less than 6m beyond the original rear wall. However, these are only some of the criteria of the GPDO. The proposal should comply with all relevant criteria to be considered as permitted development, including those in Paragraph A.1(j).
 8. I have had regard to the extensions elsewhere referred to by the appellant where it was determined that prior approval was not required. However, it has not been demonstrated that these represent a direct parallel to the appeal proposal, including in respect of the original walls of the dwelling. In any event, I have determined this appeal on the basis of the circumstances of the appeal site.
 9. I have also had regard to the policies of the development plan and the National Planning Policy Framework referred to by the appellant. However, these do not lead me to a different conclusion in respect of the consideration of the provisions of the GPDO.
 10. I therefore conclude that the proposal would not comply with Schedule 2, Part 1, Class A of the GPDO. The appeal should therefore be dismissed.

David Cross

INSPECTOR