
Appeal Decision

Site visit made on 10 January 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2023

Appeal Ref: APP/N5090/D/22/3301058

50 Lullington Garth, North Finchley, London N12 7BY

- 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 and Miss Bhavin and Ritu Manek and Kedia against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1840/PNH, dated 4 April 2022, was refused by notice dated 10 May 2022.
 - The development proposed is a 6m single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is not required 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 6m single storey rear extension at 50 Lullington Garth, North Finchley, London N12 7BY, in accordance with the application 22/1840/PNH, made on 4 April 2022, and the details submitted with it including the Location Plan, Drawing No. A001; Proposed Site Plan, Drawing No. A001; Existing and Proposed Ground Floor Plans and Elevations, Drawing No. P001; and Existing and Proposed Side Elevations. Drawing No. P002, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Main Issue

2. The main issue in the appeal is whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. Paragraph A.1(j) of the GPDO sets out that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and, at paragraph (j)(iii), would have a width greater than half the width of the original dwellinghouse. The Permitted Development Rights for Householders Technical Guidance defines 'original' as 'a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.'

4. The appeal property is a two-storey, semi-detached dwelling. To the rear it features a single-storey extension with raised decking which the Council's officer report indicates was granted planning permission in 2000¹.
5. Additional information was submitted by the Council which showed through historic mapping that as of 1951 there was a small projection evident on the rear elevation of the host property as well as its adjoining neighbour. The map also shows this feature is present on other buildings in the area at that time. An earlier map, of the period 1932-1941, does not show this rear projection. Contemporary aerial imagery shows these rear projections are still in place on other properties nearby.
6. Due to the existing rear extension, this side elevation was no longer in situ at the time of my site visit. The mapping submitted by the Council does not include the period of 1942-1950 and as such there is nothing definitive before me to indicate that there was an original side elevation, i.e., it existed on 1 July 1948. Moreover, the satellite imagery does not clearly show the form and size of the feature on other buildings, such as the angle of which it projects from the wall or its size. From the evidence before me, this appears to have been more akin to a feature of the rear elevation rather than a side elevation in and of itself, while I can't be certain that it can be defined as 'original' in the parlance of the GPDO.
7. Therefore, I conclude that the proposal would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO. No objections were received from neighbouring occupiers and so prior approval is not required.

Conditions

8. The GPDO sets out the conditions applicable to the proposal, which includes that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In addition, I have included reference to the plans and details submitted as part of the application in the opening paragraph of this decision. Therefore, based on the evidence submitted, I do not consider that there are any other necessary conditions reasonably related to the proposal which should be attached.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is not required.

C McDonagh

INSPECTOR

¹ N12208A/00