



Appeal Decision

Site visit made on 12 January 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/P5870/W/22/3300964

32 Grosvenor Road, Sutton, Wallington SM6 0EF

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Nirangan Kandasamy against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00372, dated 25 February 2022, was refused by notice dated 11 April 2022.
 - The development proposed is described in the application form as “a 6 meters rear extension”
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed extension is permitted 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. Development is not permitted by Schedule 2, Part 1, Class A.1(j) of the GPDO 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 dwellinghouse. The Interpretation in Article 2 of the GPDO clarifies that the term “original” in this context means as existing on 1st July 1948 or, if built after this date, as so built.
4. The appeal property comprises one half of a pair of semi-detached dwellings of similar age and appearance. The Council indicate planning permission was granted in 2000 for a two-storey side extension to the appeal dwelling, which I could see during my site visit had been implemented.
5. The date that the original dwellings were built is not clear from the evidence before me. However, a 1956 Ordnance Survey map has been provided which indicates the appeal dwelling was complete and featured a small rear offshoot at this time, mirroring its attached neighbour in plan form. The plans from the 2000 planning permission also appear to show the outline of a small rear kitchen offshoot. During my site visit, I could see a small offshoot still exists to the rear of the attached neighbour but appears to have been removed from the appeal dwelling at some point.

6. The Council contend that this offshoot was part of the original footprint of the dwelling. This does not appear to be disputed by the appellant. Given the age of the former offshoot and symmetry with the attached dwelling, the evidence and my own observations lead me to conclude this was an original feature.
7. The limitations in Class A.1(j) of the GPDO are based on the original dwellinghouse and apply even if part of the original is removed. The proposed extension would extend beyond the line of the side elevation of the former rear offshoot. I therefore find that the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse.
8. The appellant acknowledges that the proposed extension would measure more than half the width of the original house. The proposal therefore exceeds the limitations set out in Schedule 2, Part 1, Class A.1(j) of the GPDO.
9. I conclude that the proposed extension is not permitted under Schedule 2, Part 1, Class A of the GPDO. As the proposal does not constitute permitted development, I have no need to consider the amenity of any adjoining premises or development plan policies.

Other Matters

10. While the proposed single storey rear extension may not exceed other relevant limitations of the GPDO, it must comply with all to be considered permitted development. It is therefore not necessary for me to consider whether the proposal exceeds any other relevant limitations of the GPDO and this would not lead me to a different conclusion on the main issue.
11. The provisions of the GPDO require that when considering such applications for prior approval, regard must be had to the impact on the amenity of any adjoining premises only, and only in the event objections are received from an owner or occupier of any adjoining premises. The principle of the development and matters of design and appearance are therefore not relevant in this case.

Conclusion

12. For the reasons given above, the appeal is dismissed.

Ryan Cowley

INSPECTOR