



Appeal Decision

Site visit made on 21 March 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 APRIL 2023

Appeal Ref: APP/P3610/W/22/3304442

45 Edenfield Gardens, Worcester Park, Surrey KT4 7DU

- 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 GPDO).
 - The appeal is made by Dr Tharumalingam Gowripalann against the decision of Epsom and Ewell Borough Council.
 - The application Ref 22/00333/PDE, dated 21 March 2022, was refused by notice dated 12 May 2022.
 - The development proposed is described on the application form as 'Erection of a single storey rear extension with a mono pitched roof. With the following dimensions. Extends beyond the rear wall of the original dwellinghouse by 4.475 metres the maximum height of the enlarged part of the dwellinghouse will be 2.45 metres the height of the eaves of the enlarged part of the dwellinghouse will be 3.965metres'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Epsom and Ewell Borough Council, against Dr Tharumalingam Gowripalann. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted, under Schedule 2, Part 1, Class A of the GPDO.

Reasons

4. Development is not permitted by sub paragraph (j) (iii) of Schedule 2, Part 1, Class A of the above Order if, amongst other matters, 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. For the purposes of the GPDO 'Original' means the 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.
5. From the evidence before me it is apparent that the rear wall of the original dwellinghouse was staggered. Whilst the extent of the stagger beyond the main rear wall would have been small its presence resulted in a side elevation. The proposed development would extend beyond that side elevation.

6. In light of the above, the provisions of sub paragraph (j) (iii), that relate to the width of the enlarged part of the building, are engaged. It is evident from the submitted plans that the width of the proposed extension would be greater than half the width of the original dwellinghouse even when measured at its widest point. As a result, the proposed development would exceed the limitations allowed under Schedule 2, Part 1, Class A of the GPDO.
7. Consequently, the proposed development would not be 'permitted development' under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
8. As the proposal does not constitute 'permitted development' I have no need to consider the amenity of the neighbours.

Other matter

9. I have taken into account the appellants desire to extend his property and note reference to development that has been carried out at 28 Vale Road. However, my consideration is limited to whether the proposal before me can be delivered using the prior notification process. As I have determined that the proposal does not fall within the limitations of Schedule 2, Part 1, Class A of the GPDO I am not required to consider the merits of the proposed development.

Conclusion

10. For the reasons given above I conclude that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted under Schedule 2, Part 1, Class A of the GPDO, and therefore the appeal is dismissed.

John Gunn

INSPECTOR