



Appeal Decision

Site visit made on 22 March 2023

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/Q5300/D/22/3298492

234 Princes Avenue, Southgate N13 6HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 Mrs Shaheda Rahman against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/00223/PRH, dated 10 January 2022, was refused by notice dated 24 February 2022.
 - The development proposed is single storey 6m rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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) planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. In order to be permitted development the proposed development must meet all the limitations and conditions in Class A of the GPDO.
4. At my visit I observed an outrigger to the rear of the house, shown as 'boiler room' on the submitted plans. The main parties' views were sought about whether the outrigger formed part of the 'original' dwellinghouse for the purposes of the GPDO. The appellant responded but could not confirm whether the outrigger was original however, they pointed out that other houses in the street previously had such an outrigger.
5. Given its form and that other houses in the street have/had such outriggers, it seems, on the balance of probabilities, and in the absence of any contradictory evidence, that the outrigger forms part of the original dwellinghouse.

Main Issue

6. The main issue is whether the proposed extension would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

7. The appeal property is a mid-terrace house with an outrigger to the rear. Consequently, the rear is stepped and there is more than one wall which forms the rear wall of the original dwellinghouse.
8. Paragraph A.1.(j)(iii) of Class A of the GPDO states 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 would have a width greater than half the width of the original dwellinghouse.
9. The Government's Technical Guidance¹ indicates that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front or rear wall. The elevation of the outrigger which faces broadly north-east is not a front or rear wall and is therefore a side elevation.
10. Even though the outrigger would be demolished as part of the proposed development, the restrictions in A.1.(j) still apply. This is because the limitations to permitted development are based on the original dwellinghouse and apply even if part of the original is removed.
11. Accordingly, since the proposal would see the enlarged part of the dwellinghouse 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, it would fail to meet the Class A.1.(j)(iii) requirement. Hence it would not be permitted by Class A of Part 1 of Schedule 2 of the GPDO.
12. Since the development would not be permitted by the Order it is unnecessary and would be inappropriate to proceed to consider the prior approval matters, being the impact of the proposed development on the amenity of adjoining premises.
13. Although this matter was not raised by the Council, and whilst I acknowledge that the Council have determined that prior approval is not required and given their prior approval for extensions to other houses with such outriggers, I must deal with the application for approval as if it had been made to me in the first instance.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Felicity Thompson

INSPECTOR

¹ Permitted development rights for householders Technical Guidance Ministry of Housing, Communities and Local Government September 2019