



Appeal Decision

Site visit made on 4 May 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/K3605/D/22/3308098

91 Manor Road North, Esher, Surrey KT10 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 Ming Hon Cheung against the decision of Elmbridge Borough Council.
 - The application Ref 2022/2627, dated 22 August 2022, was refused by notice dated 30 September 2022.
 - The development proposed is described as a 5.5 metre single-storey rear extension with a flat roof combined with a pitched roof end.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) grants planning permission for the enlargement of a dwellinghouse subject to limitations and conditions.
3. The proposed development is described on the application form as a single storey rear extension. The existing and proposed plans confirm the proposed development would include the demolition of a single storey rear projection.
4. The Council claim this existing, to be demolished, single storey rear projection forms part of the original dwelling and therefore the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse. The Council state that this would therefore exceed the limits set out in paragraph A.1(j)(iii).
5. The appellant states the rear projection is not original and the development therefore does not extend beyond a wall forming a side elevation of the original dwellinghouse.

Main Issue

6. Taking the above into account, the main issue is whether the proposed development would be permitted by Schedule 2, Part 1, Class A of the GPDO with particular reference to paragraph A.1(j)(iii).

Reasons

7. During my site visit I noted that the bricks, mortar and windows of the rear projection closely matched the existing dwelling not just in appearance but also weathering.
8. While the flat roof appears to be of more recent materials, this may have been a repair or replacement and this, therefore, would not be determinative on its own. There is no other evidence before me to suggest this rear projection is not original.
9. On this basis, the proposed development would extend beyond a wall which forms a side elevation of the original dwellinghouse. The total enlargement of the dwellinghouse proposed, therefore, would have a width greater than half the width of the original dwellinghouse.
10. The proposal would fail to accord with paragraph A.1(j)(iii) and the proposed development would not therefore be permitted by Schedule 2, Part 1, Class A of the GPDO.

Conclusion

11. For the reasons set out above the appeal is dismissed.

N Praine

INSPECTOR