



---

# Appeal Decision

Site visit made on 24 March 2023

**by K L Robbie BA (Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 May 2023**

---

**Appeal Ref: APP/N5090/D/22/3310185**

**79 Waterfall Road, Southgate, Enfield N11 1JE**

- 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.
  - The appeal is made by Mr Stephen Rooney against the decision of the Council of the London Borough of Barnet.
  - The application Ref 22/3689/PNH, dated 14 July 2022, was refused by notice dated 18 August 2022.
  - The development proposed is Single storey rear extension.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues is whether the proposed development would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

## Reasons

3. The appeal property is a terraced dwelling with a small single storey projection located to the rear. In refusing prior approval, the Council's Decision Notice states that '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'.
4. Development is not permitted by Schedule 2, Part 1 Class A of the GPDO (the Order) 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<sup>1</sup>. The proposed development is for a single storey flat roofed extension, 6 metres in length which would extend the full width of the host property.
5. There is no doubt that the proposed extension would have a width greater than half the width of the original dwellinghouse. The dispute is therefore whether the enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house as required by paragraph A.1(j) of the GDPO.
6. The appeal property has a small single storey projection on the rear elevation. The appellant suggests that this is unlikely to be original. However, I have not been provided with any substantive evidence that this is the case. From what I

---

<sup>1</sup> Paragraph A.1(j).

saw, this part of the house has the same rendered finish as the rest of the appeal property and small projections of very similar size and design appear to be common features to the rear of other properties in the same terrace. In my view this strongly suggests that the side elevation of the projection forms part of the original dwellinghouse rather than a subsequent enlargement of the appeal property, and in the absence of evidence to the contrary I shall take it that this as so.

7. Although the projection is small, the 'Permitted Development Rights for Householders -Technical Guidance (MHCLG September 2019) indicates that a wall forming a side elevation of a house will be any wall (my emphasis) that cannot be identified as being a front wall or a rear wall. Whether a wall is a side elevation is a question of fact, applied to the words of the GPDO, rather than judgment. Moreover, the Technical Guidance makes it clear that even very small side walls can potentially constitute a 'side wall' for the purposes of the GPDO and contains diagrams to this effect.
8. Therefore, I conclude that the proposed extension would extend beyond a side elevation of original house and would be more than half the width of the original dwellinghouse, the appeal scheme would not comply with the definition of permitted development set by the Order.

### **Other Matters**

9. Given that conclusion it is unnecessary for me to make a determination on the effect on the living conditions of occupiers of 81 Waterfall Road or any representations made on this issue by the Council, the appellant or interested parties.

### **Conclusion**

10. For the reasons set out above and having considered all matters raised I conclude that the proposal would not fall within the definition of permitted development set out in Class A of Part 1 of Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the appeal is dismissed.

*KL Robbie*

INSPECTOR