



Appeal Decision

Site visit made on 23 March 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2023

Appeal Ref: APP/N5090/D/22/3309414

32 Garrick Avenue, Golders Green, Barnet, London NW11 9AS

- 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.
 - The appeal is made by Mr Halibard against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/3454/PNH, dated 29 June 2022, was refused by notice dated 9 August 2022.
 - The development proposed is 6M single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue 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. 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 dwellinghouse¹.
4. In refusing prior approval, the Council's Decision Notice states: 'The enlarged part of the dwellinghouse would extend beyond a wall featuring a side elevation of the dwellinghouse in the form of a bay window and exceed more than half the width of the dwellinghouse'.
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 been previously extended at ground floor across the full width of the property. I have no substantive evidence before me to indicate the appearance of the rear elevation of the property prior to the extension being constructed, however, it is highly likely that the canted bay extended to ground floor. Nonetheless, the bay remains at first floor level.

¹ Paragraph A.1(j).

7. The sides of the bay window on the rear elevation are not perpendicular to the rear elevation of the property. Whilst the Council's officer report refers to the sides of the bay being perpendicular to the rear elevation, this is not the case. It is, nevertheless, a matter of fact and degree whether a wall forms a side elevation. In my opinion a wall which is not parallel to the rear elevation of the dwelling could be capable of being a side elevation whether perpendicular to it or not.
8. 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. 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. Whilst the simplified diagrams in the document illustrate examples with perpendicular side wall, the illustrations to explain the restrictions of the Order are not exhaustive.
9. From what I saw, the substantially constructed bay has the same rendered finish as the rest of the host property. It therefore constitutes more than a 'feature' on the rear elevation. Similar bays appear to be a common element on the rear of other properties in the Avenue. Furthermore, the submitted plans show that it projects around 1 metre from the rear elevation which also shows that this projection contributes, not insignificantly, to the floor area of the room where it is located. The submitted 'side elevation' plan also clearly shows the first-floor element of the bay window at the rear. In my view this projection, as a matter of fact and degree, forms part of the side elevation of the property and would not be a rear wall.
10. Therefore, in the absence of any substantive evidence to the contrary, 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.

Conclusion

11. 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.

K L Robbie

INSPECTOR