



Appeal Decision

Site visit made on 25 April 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/N5090/D/22/3313224

27 Fairmead Crescent, Edgware, Barnet HA8 8YH

- 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 GPDO).
 - The appeal is made by Mr Mahmoud Gharedaghi against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4355/PNH, dated 25 August 2022, was refused by notice dated 29 September 2022.
 - The development proposed is a single storey all new rear 6 metre flat roof extension, with a roof window, with demolition of the existing rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered from that on the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.

Background and Main Issue

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with or, that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
5. In this case, the Council contend 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. Consequently, the Council has determined that the development fails to comply with the limitations at A.1(j) of the GPDO and

would not be permitted development. The main issue is, therefore, whether the proposal would be permitted development.

Reasons

6. There is no disagreement between the main parties that the proposed extension would be single storey and would not exceed 4m in height. There is also no disagreement that its width would be greater than half the width of the original dwellinghouse. However, the appellant submits that an existing outrigger wall, which would be demolished in the proposal and which the proposed extension would extend beyond, does not constitute a side wall of the original dwellinghouse.
7. The host property, 27 Fairmead Crescent is a semi-detached bungalow located within a residential development of mainly traditionally designed properties. No 27 incorporates some distinctive design detailing, including front bay windows and a largely white coloured render finish to the external walls together with some brickwork banding. The property has a hipped roof outrigger, identified on the plans as containing a kitchen which has a tiled roof covering which matches that of the main roof of the property.
8. The adjoining semi-detached property also contains an outrigger projection with a siting and of proportions reflective of that at the host property. On my site visit I noted that there are other properties which share some of the distinctive design features of the host property, including the same style of outrigger, the bay windows and the material finishes. This all indicates to me that the host property comprises one example of a particular housetype of which there are others within the residential estate. The outrigger is a part of that housetype.
9. Given these observations, it appears to me that the outrigger is an original feature of the host property. Moreover, I have no substantive evidence before me which demonstrates otherwise. The permitted development limitations contained at A.1(j) are based on the original dwellinghouse and apply even if part of the original dwellinghouse is to be demolished, as would be the case here.
10. Therefore, on the basis of all that is before me, I find 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. I therefore conclude that the proposed development would not comply with the limitations contained at A.1(j) of the GPDO and would not amount to permitted development. Insufficient information has been supplied to enable me to come to the contrary view that it would comply with those limitations.

Other Matters

11. The appellant has drawn to my attention aspects of planning policy which they consider provide support for the proposed property enlargement whilst it is put to me that the proposal would be appropriate in design terms and result in no unacceptable harm to the living conditions of neighbouring occupiers. However, in this case these matters do not influence whether the proposal constitutes permitted development, the subject of the main issue above. This

determination is a legal test and the matters drawn to my attention are not decisive.

12. The appellant also refers to an application for a rear extension at neighbouring No 25 which, in December 2017, the Council determined did not require prior approval. The Council have stated that since that application was determined the interpretation of what constitutes a side wall has evolved over the passage of time. Regardless of the circumstances of the case at No 25, I must determine this proposal on its own merits and, against the provisions of the GPDO, the proposal would not amount to permitted development.
13. No permitted development rights may have been removed from the property, nor may the site be located within a conservation area or be a listed building, but, again, this does not alter that the proposal would not amount to permitted development.

Conclusion

14. For the reasons given above, the appeal is dismissed.

H Jones

INSPECTOR