



Appeal Decision

Site visit made on 12 June 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/B5480/W/22/3307985

3 Garland Way, Havering, Hornchurch RM11 2SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO").
 - The appeal is made by Miss E Cole against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0259.22, dated 4 August 2022, was refused by notice dated 11 August 2022.
 - The development proposed is single storey rear extension to 6m beyond rear wall.
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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 GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. 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 – 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.

Main Issue

3. In relation to the second reason for refusal, the Council has confirmed that a fee was received between the report being drafted and the decision notice being issued. Thus, this reason for refusal has been addressed.
4. Therefore, the main issue is whether the proposed development would be granted planning permission by Article 3(1), Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. No 3 is a detached two-storey dwelling with a conservatory to the rear. I observed on my site visit that the rear elevation of the garage does not align with the rear wall of the dwelling, and this is also reflected within the appeal submission. The appellant highlights that the garage was built at the same time as the house and there is no intention to demolish any part of the building.

6. The permitted development rights for householders: technical guidance (2019) provides guidance. A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Where an extension is beyond any side wall, the restrictions in (j) will apply.
7. GPDO paragraph A.1(j) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse. Thus, 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.
8. The extension would project from the rear elevation of the garage. As the garage is stepped in, the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse, and would wrap round the rear elevation of the dwelling. Even though this side elevation is very short, it constitutes a side wall for the purposes of the Order. As the proposed extension would be the same width as the host dwelling, the extension would have a greater width than half the width of the original dwellinghouse.
9. For these reasons, I conclude that the extension 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 proposed development would fail to comply with paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Other Matters

10. The appellant has drawn my attention to other matters including pre-application advice and have provided a transcript of a telephone meeting along with pictures. It is unfortunate that the Council did not raise the issue regarding the garage being stepped in when they provided pre-application advice. However, the other matters raised do not overcome my findings above.
11. The Council state that the proposal would have a detrimental impact on the amenity of the adjacent residents at No 1 Garland Way. The parties also dispute the accuracy of the plans regarding the depth of the extension. However, these matters do not relate to the reasons for refusal. Given my findings in relation to the main issue, I have not considered these matters further as they would not be determinative to my decision.

Conclusion

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

L Wilson

INSPECTOR