



Appeal Decision

Site visit made on 22 June 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/M5450/D/22/3311563

13 Harley Crescent, Harrow HA1 4XQ

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Rajesh Patel against the decision of London Borough of Harrow.
- The application Ref P/2776/22/PRIOR, dated 22 July 2022, was refused by notice dated 7 September 2022.
- The development proposed is the erection of a single storey rear extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 1, A.4 (3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) states that the Local Planning Authority may refuse a prior approval application where in its opinion the proposed development does not comply with, or the developer has provided insufficient information to enable the Authority to establish whether the proposed development complies with, the conditions, limitations, or restrictions specified as being applicable to the development in question. It was on this basis that the Council refused to grant prior approval, and my determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is whether the proposed extension would comply with the permitted development requirements set out at Class A of the GPDO.

Reasons

4. The appeal property comprises a semi-detached 2 storey dwelling on Harley Crescent, and includes a detached rear garage. The proposal is for a rear extension, being the full width of the dwelling, 6m deep, and 3m high. In order to accommodate this rectangular extension, part of the side garage is also proposed for demolition and alteration in order to provide a passageway in between.
5. The Council considers that the garage alterations form part of the proposal as pre-commencement enabling works, and therefore would be classed along with the extension as operational development under section 55 section (1A)(c) of the Town and Country Planning Act (1990). However, the description of the development makes no reference to the garage, with only prior approval for

the extension being sought. Therefore, notwithstanding any methods for how space for the extension could be created, and how this is indicated on the plans, I have only considered the parameters of the extension against the GPDO.

6. However, the proposed extension would not comply with the requirement under Class A.1(j)(iii) of the GPDO. This is because the enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original dwellinghouse, that being the existing rear protrusion of the kitchen, and would have a width greater than half the width of the original dwelling. This is notwithstanding that the protrusion would be demolished in order to accommodate the extension, as the requirements under A.1(j) make no reference to whether this side wall is or is not retained.
7. The appellant has provided an example of another appeal in a different local authority area where a relatively similar prior approval proposal was allowed. I cannot be certain what evidence that previous Inspector had before them, but based on the evidence before me for this appeal, I take a different view.
8. While the appellant suggests that the proposal would bring an important built feature within the locality, this does not relate to the GPDO requirements.
9. Overall therefore, I conclude that it has not been demonstrated that the proposed change of use to a dwelling would satisfy the requirements of Schedule 2, Part 1, Class A of the GPDO, and therefore is not development permitted by it. The proposed development would not comply with one of the limitations and restrictions specified as being applicable to the proposed development, and consequently, it does not benefit from deemed permission under Class A.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is not permitted development under Schedule 2, Part 1, Class A of the GPDO. Consequently, it is a development for which an application for planning permission would be required, and cannot be addressed through the prior approval provisions.

L Hughes

INSPECTOR