
Appeal Decision

Site visit made on 27 June 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2023

Appeal Ref: APP/B5480/D/23/3315383

73 Alma Avenue, Havering, Hornchurch RM12 6SS

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs A Eysymontt against the decision of the Council of the London Borough of Havering.
 - The applications Ref Y0376.22 & Y0401.22, dated 23 November 2022 & 20 December 2022 were refused by notices dated 6 December 2022 & 22 December 2022.
 - The development proposed is Single storey rear extension with an overall depth of 6m, a maximum height of 2.95m, and an eaves height of 2.95m. (PRIOR APPROVAL)
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It appears that two applications were made to the Council for the same proposal, both relating to the same development. Both applications are covered within this decision.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to enable it to be permitted development.

Reasons

4. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants permitted development rights for the enlargement of a dwellinghouse under certain circumstances.
5. The appeal site is a semi-detached residential dwelling. The proposal is a full width single storey extension that would extend across the whole rear elevation.
6. However, there are two side walls on the southern side of the dwelling with that towards the rear of the property stepping out further than the side wall on the forward section of the house. The rear extension would be at the wider width, beyond the forward side wall.

7. The relevant guidance¹ indicates that where an extension would be beyond any side wall, the restrictions within Schedule 2, Part 1, Class A, A.1. (j) will apply. Sub paragraph (iii) stipulates that where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, the enlarged part of the dwellinghouse cannot have a width greater than half the width of the original dwellinghouse.
8. Given that the extension would be the full width of the rear elevation, it would exceed the limits of this criteria. As a result, the proposal would not meet the limitations at sub paragraph (iii) and would therefore not be permitted development.

Conclusion

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

T J Burnham

INSPECTOR

¹ DCLG Permitted development rights for householders Technical Guidance (2017)