



Appeal Decision

Site visit made on 17 July 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/B5480/D/23/3315695

74 Birch Crescent, Hornchurch, Havering RM11 2NJ

- 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).
 - The appeal is made by Mr Imran Chaudhri against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0328.22, dated 15 October 2022, was refused by notice dated 25 November 2022.
 - The development proposed is described as "single-storey rear extension".
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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 Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. 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

4. The main issue is whether the proposed development satisfies Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. The appeal property is a two-storey terraced dwelling which is set back from the road with a front driveway and a long rear garden. At the rear of the property there is a small single storey projection from the dining room which provides access through patio doors to the rear garden.
6. Development is not permitted under Schedule 2, Part 1, Class A, Paragraph A.1(j) of the GPDO 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.

7. The proposal would involve the erection of a single-storey rear extension which would project 5 metres from the rear elevation with an eaves height of 2.98 metres and a maximum height of 3.2 metres. It would span almost the full width of the appeal property. The plans indicate that the existing single-storey rear projection would be demolished. The Council indicates that this rear projection is part of the original dwelling, which has not been disputed by the appellant. With no substantive evidence to contrary, I consider the rear projection to be part of the original dwelling.
8. The Technical Guidance¹ indicates that a wall forming a side elevation will be any that cannot be identified as being a front wall or a rear wall. The staggered rear elevation of the property means that there are two side walls at the rear of the property. The proposed extension would extend beyond these original side walls. The limitations at paragraph A.1(j) of Class A are based on the original dwelling. Consequently, these limitations apply even if part of the original dwelling is removed.
9. Whilst the proposal would not extend beyond the rear wall of the dwelling by more than 6 metres nor exceed 4 metres in height, it would extend beyond a wall forming a side elevation of the original dwelling and it would have a width greater than half the width of the original dwelling.
10. For the above reasons, I conclude that the proposed development would not comply with paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO.

Other Matters

11. The appellant has referred to the proposal making effective use of the site to create additional living space and to compliance with planning policies. However, these matters have no bearing on whether the proposal would be permitted development. Whilst nearby properties have been extended to the rear, including through the prior approval process, I do not have full details of these schemes before me. In any case, my assessment is made based on the specific circumstances of the site and an assessment of the appeal proposal against the provisions of the GPDO.
12. As the proposal would not be permitted development, it is not necessary for me to consider any effects on the living conditions of the neighbouring occupiers.

Conclusion

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

M Ollerenshaw

INSPECTOR

¹ Technical Guidance: Permitted Development for Householders (2019)