The Planning Inspectorate

Appeal Decision

Site visit made on 8 August 2023

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Appeal Ref: APP/Q3820/D/23/3315953
2 Hazel Close, Langley Green, Crawley, West Sussex RH11 7TN

- 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.
- The appeal is made by Mr Sayinthen Vivekananda against the decision of Crawley Borough Council.
- The application Ref CR/2022/0724/HPA, dated 31 October 2022, was refused by notice dated 19 December 2022.
- The development proposed is the erection of single storey rear extension measuring 4.5 metres in depth, 3 metres to the eaves, and 3 metres in maximum height.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

3. The existing single storey rear projection is said by the appellant to form part of the original dwellinghouse. Following my observations on site I have no reason to disagree.

4. However, this projection did not appear to me to have been accurately depicted on the existing elevation or floor plans submitted with the application. In particular, there was no southern wall to the projection. In the submitted drawings this wall is shown as having a pair of glazed doors that provide access to the rear garden. Nevertheless, it is a space that is enclosed on three sides and has a flat roof. I am therefore satisfied that it can still be considered as a rear projection that forms part of the original dwelling.

5. The Technical Guidance: Permitted Development for Householders (2019) indicates that a wall forming a side elevation will be <u>any wall</u> (my emphasis) that cannot be identified as being a front wall or a rear wall. Moreover, the Technical Guidance makes it clear that even very small side walls can potentially constitute a 'side wall' for the purposes of the GPDO and it contains diagrams to this effect.

6. With all of the above in mind, and even though the existing rear projection has only one side wall, I must nonetheless conclude that it forms a side wall of the original dwellinghouse.

7. The proposal would extend off the same rear elevation of the house as the existing single storey projection There is no dispute between the main parties that the proposal would be more than half the width of the original dwellinghouse. However, there would be a 200mm gap between the existing and proposed projections. It is this gap upon which the appellant relies in suggesting the proposal would be permitted development.

8. Development is not permitted by Schedule 2, Part 1, Class A, Paragraph A.1.(j)(iii) 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 have a width greater than half the width of the original dwellinghouse.

9. The GPDO does not refer to proposed extensions projecting from the existing side wall nor does it say that it needs to be attached to it in some way for the limitation to take effect. Instead, it refers simply to works extending beyond a wall forming a side elevation of the original dwellinghouse.

10. Consequently, despite the 200mm gap between the proposal and existing rear projection, the proposal 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.

11. I therefore find that the proposed development would not comply with paragraph A.1(j)(iii) of Schedule 2, Part 1, Class A of the GPDO.

Other Matters

12. The appellant refers me to other appeal decisions where a gap of 200mm has been accepted as being sufficient for a proposal to be considered detached from other parts of a building. Putting aside that I have not been provided with the full details of those cases, the key issue in the current appeal is whether the works extend beyond an existing side wall, not its lack of attachment to it. I am therefore unable to attach weight to these other decisions.

Conclusion

13. For the reasons set out above and having considered all matters raised, I conclude that the proposal would not fall within the definition of permitted development as set out in Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and accordingly the appeal is dismissed.

Stewart Glassar

INSPECTOR