



Appeal Decision

Site visit made on 21 September 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Appeal Ref: APP/W5780/D/23/3317832

2 Beverley Crescent, Woodford Green IG8 9DD

- 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 Ken Bean against the decision of London Borough of Redbridge.
 - The application Ref 4094/22, dated 21 December 2022, was refused by notice dated 18 January 2023.
 - The development proposed is a single storey rear extension to replace existing conservatory and provide new dining room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The applicant's name was missing from the original application form. In accordance with section 78 of the Town and Country Planning Act 1990, the appellant has confirmed that they are the person who originally submitted the application.
3. 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

4. The main issue is whether the proposed extension would comply with the permitted development requirements set out at Class A of the GPDO, with specific regard to Class A.1.(j)(iii).

Reasons

5. The appeal property comprises a semi-detached 2 storey dwelling with a rear conservatory and a front and rear garden. The rear garden boundary line with the conjoined property at No. 4 Beverley Crescent is not perpendicular to the party wall of the dwellings, but is slightly angled towards No. 4, which includes a single storey rear extension running flush along it.

6. The proposal is for a single storey rear extension with a depth of 3.5m, a highest point of 3.7m, and height at the eaves of 2.7m. It would also be angled to follow the property boundary and abut with the extension of No. 4, and thus would also create a trapezoid footprint.
7. Class A.1(j)(iii) of the GPDO does not permit development if the enlarged part of the dwelling 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 dwelling. The parties agree that the wall would have a width greater than half the width of the original dwelling, but disagree over the interpretation of the side elevation.
8. The appellant suggests that the GPDO use of the word 'elevation' rather than 'wall' implies that it should have an external surface. Further, they submit that neither the wording of the GPDO nor the 'Permitted development rights for householders: technical guidance' (2019), provide any clause that specifically states that extensions cannot extend beyond the width of the existing building when aligning with a party wall. However, this technical guidance does state that *"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."* Similarly, the GPDO does not specifically exempt a party wall from the definition of a side elevation. I therefore classify the dwelling's party wall as its side elevation.
9. Although the design outcome may be less than optimal for a rear extension which does not follow the angled property line, this issue lies outside of the GPDO requirements. A lack of objections is similarly not to be taken into account.
10. Overall therefore, I conclude that it has not been demonstrated that the proposed single storey rear extension would satisfy the requirements of Schedule 2, Part 1, Class A of the GPDO, with specific regard to Class A.1(j)(iii), 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

11. 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