



Appeal Decision

Site visit made on 3 October 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/M5450/D/22/3311634

419 Pinner Road, Harrow, London HA1 4HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr and Mrs Gaurav Mahenbhai Gajjar against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3218/22/PRIOR, dated 9 September 2022, was refused by notice dated 21 November 2022.
 - The development proposed is described as "proposed rear conservatory (materials to match the property)".
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Decision

1. The appeal is allowed, and prior approval is not required under the provisions of 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) for a proposed rear conservatory (materials to match the property) at 419 Pinner Road, Harrow, London HA1 4HN in accordance with the terms of the application, Ref: P/3218/22/PRIOR, dated 9 September 2022, and the details submitted with it.

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 with the conditions, limitations or restrictions that are applicable to such permitted development. In this case the Council has refused the application for that reason.
4. Paragraph A.4.(7) sets out that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. However, the Council's Officer Report in respect of this development confirms that no representations were received regarding the application and, consequently, prior approval would not be required.

5. The description of development used in the heading has been taken from the application form. The Council's Decision Notice uses a different description, but I have not been provided with any confirmation that this amended description has been agreed. Accordingly, I have taken the description from the original application form.

Main Issue

6. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons

7. Development is not permitted by Schedule 2, Part 1, Class A of the GPDO if the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.
8. The Council refused the application citing that the developer has failed to provide consistent information on the application form and submitted drawings in relation to the maximum eaves height of the proposed development and therefore has failed to provide the information required by condition A.4(2) (a (iii)) of Schedule 2, Part 1, Class A of the GPDO.
9. The appeal site is a semi-detached, two storey dwelling located on Pinner Road, close to the junction with Station Road. The proposed extension would be located to the rear of the property and would be attached to an existing single storey extension. The proposed extension would extend the full width of the rear elevation with a maximum ridge height of 3m and an eaves height of 2.5 metres. The depth of the proposed extension is 3 metres, which in combination with the existing single storey extension would result in an overall extension measuring 6 metres from the rear wall of the original dwelling.
10. I acknowledge that there is a difference between the measurement provided on the application form, which states that the maximum eaves height will be 3 metres, and the submitted plans which show that the eaves height of the proposed conservatory extension would be 2.5 metres in height. However, the Householder Technical Guidance 2019 states that where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement (being the proposed extension together with the previous extension) must meet the limits set out in (e) to (j).
11. Furthermore, the application form states that that where the proposed extension will be joined to an existing extension, the measurement must represent the total enlargement (i.e. both the existing and proposed extensions) to the original dwellinghouse.
12. The appellant has confirmed that the existing extension, which has a flat roof, has an eaves height of 3 metres. Therefore, taking the overall extension in its entirety, the maximum eaves height would be 3 metres, but reducing to 2.5 metres at its furthest point, where the conservatory would be added. The submitted plans, which are drawn to scale and annotated with these measurements provide sufficient clarity to demonstrate that the proposed development falls within the permitted development allowances.

13. There is no dispute between the parties that the proposal would comply with the remaining parts of the Order.
14. Accordingly, I therefore find that the proposed development would comply with the conditions and limitations set out in Schedule 2, Part 1, Class A of the GPDO.

Conditions

15. Paragraph A.3. of Part 1, Class A sets out the conditions subject to which development is permitted by Class A. Of these, only one is relevant namely, that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
16. Paragraph A.4.(11) further sets out that where prior approval is not required the development must be carried out in accordance with the information provided with the application unless the local planning authority and the developer agree otherwise in writing.

Conclusion

17. For the reasons given above, I conclude that the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO for which prior approval is not required. Therefore, the appeal is allowed.

K Lancaster

INSPECTOR