



Appeal Decision

Site visit made on 28 November 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/M5450/D/23/3315347

18 Orchard Grove, Edgware, Harrow HA8 5BH

- 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 P Bloch against the decision of the London Borough of Harrow Council.
 - The application Ref P/2484/22/PRIOR, dated 3 July 2022, was refused by notice dated 24 January 2023.
 - The development proposed is a single storey rear extension.
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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 the erection of a single storey rear extension at 18 Orchard Grove, Edgware, Harrow HA8 5BH, in accordance with the application Ref P/2484/22/PRIOR, dated 3 July 2022, and the information submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Procedural 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 Order), 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, conditions, limitations or restrictions applicable to permitted development. The Council asserts that the proposal would result in a structure that would extend more than 6 metres beyond the rear wall of the original dwelling and would not satisfy the limitations of the Order in this regard.
4. The evidence confirms that the Council undertook consultation with adjoining neighbours. One representation was received. However, it did not object to the proposal, but provides comments on sewer capacity, and property subdivision. The subdivision of a planning unit would require planning permission and matters relating to sewers are dealt with by regimes separate to the planning system. As such the matters raised are outside the scope of prior approval considerations. Therefore, as no objection has been raised by an owner or occupier of adjoining premises, in the event

the proposal was found to be permitted, prior approval as to the impact of the proposal on the amenity of adjoining premises is not required in this case.

Main Issue

5. The main issue is whether or not the proposal is permitted under Schedule 2, Part 1, Class A, paragraph A.1 of the Order, with particular regard to the terms of paragraph A.1(g)(i).

Reasons

6. Class A of the Order enables the enlargement of a dwelling house provided certain criteria are met. Paragraph A.1(g)(i) allows semi-detached dwellinghouses to extend beyond the rear wall of the original dwellinghouse by 6 metres. The appeal property has a single storey extension to the rear. This proposal would result in an extension, covering the area of this pre-existing extension, that would extend 6 metres from the rear wall of the dwelling. This proposed extension would not exceed 3 metres in height.
7. There is an outbuilding at the side and rear of the dwelling. The proposed extension would be close to part of the front elevation of this outbuilding and would also wrap around a corner and part of the side elevation of that existing building.
8. The gap between the extension and the outbuilding would be 0.25 metres and the Council states that this should be increase to 0.5 metres, otherwise, cumulatively, the extension and outbuilding would extend more than 6 metres beyond the rear of the dwelling. However, the outbuilding is not physically attached to the dwelling. Moreover, the plans show that the external wall of the proposed extension would be attached to the rear elevation of the dwelling and would be built separate to the outbuilding. Therefore, even though the proposed gap would be small, the outbuilding would remain physically and visually separated from the extended rear elevation of this dwelling when viewed from the rear.
9. Also, while the structures would be close together, the roof height of the proposed extension would be higher than the existing outbuilding. As such the visual division between the extended rear elevation of the dwelling and the stand alone outbuilding would remain clear and distinct. Furthermore, the extension would not protrude beyond the original side elevation of the dwelling such that the dwelling and the outbuilding would continue to appear as two separate structures when viewed from the street.
10. In light of the above, the proposal would satisfy the limitations set out in paragraph A.1. The proposal would therefore be permitted for the purposes of this part of the Order.

Other Matters

11. Conditions have been suggested, including commencement of development, matching materials and accordance with plans. However, these are all matters addressed in provisions of the Order and are therefore not necessary in this case.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed, and prior approval is not required.

A J Sutton

INSPECTOR