



Appeal Decision

Site visit made on 7 December 2023 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/N5090/D/23/3327799

79 Queens Avenue, Finchley Central, Barnet, London N3 2NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A4 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Ian Lucas against the decision of the Council of the London Borough of Barnet.
 - The application Ref 23/2938/PNH, dated 6 July 2023, was refused by notice dated 9 August 2023.
 - The development proposed is described as 'proposed single storey rear extension'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. Whilst the description of development was changed by the Council, I can see no formal agreement therefore. I have used the description as it was originally set out on the application form which, in any case, adequately identifies the development to which the appeal relates.
4. The provisions of the aforementioned legislation set out, amongst other things, that development is not permitted if the enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original and would exceed 4 metres in height; have more than a single storey, or have a width greater than half the width of the original dwellinghouse. This forms the main issue of the appeal.

Reasons for the Recommendation

5. The appellant contends that the proposal would project solely from the rear elevation and not any side elevations as these face north and south, forming the main structure of the dwelling, whilst the rear elevation faces west. For the purposes of the GPDO, side and rear elevations of the original dwelling are interpreted as any such elevations that form part of that building. This is clear from the language used which refers to a side elevation and not the side elevation (my emphasis).

6. In this case the appeal dwelling has an original single storey rear bay window. The Ministry of Housing, Communities and Local Government publication 'Permitted Development Rights for Householders – Technical Guidance' (2019) (the Technical Guidance) diagrammatically illustrates what is meant by a wall forming a side elevation. It shows a series of side elevations, all of which are interpreted as such. The Technical Guidance notes that where an extension is beyond any side wall the restrictions in A.1(j) will apply. It is clear that the side wall of the bay window comes within the definition of a side elevation and A.1(j) would apply. Therefore, given the proposal would be the full width of the appeal dwelling, the preclusion at A.1(j)(iii) would apply.
7. The rear extension would be greater than half the width of the original dwelling, and it would extend beyond a wall forming a side elevation thereof. Considering the preclusions stated in the GDPO 2015 Class A paragraph A.1(j), the single storey rear extension cannot be considered as development permitted thereby.

Conclusion and Recommendation

8. For the reasons given above I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR