



Appeal Decision

Site visit made on 7 March 2024 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2024

Appeal Ref: APP/C5690/D/23/3329182

141 Ardgowan Road, Lewisham, London SE6 1UY

- 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 Ms Chris Custance against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/23/131460, dated 9 May 2023, was refused by notice dated 21 June 2023.
 - The development proposed is described as a single storey rear extension and internal alterations.
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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. Planning permission is granted under the above mentioned legislation for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4(3) provides that the application may be refused where the proposed development does not comply therewith. Development is not permitted if, amongst other things, 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. This forms the main issue of the appeal, in the context of the permissible size limits set out by Article 3(1) and Schedule 2, Part 1, Class A.1.

Reasons for the Recommendation

4. A small but distinct projection is located at the rear of the appeal building, shown on the plans as a utility room. It is of matching materials and design to the host and a similar feature is on an adjoining dwelling. More likely than not, it forms part of the original dwelling rather than being a later addition. The proposal would replace this rear projection, extending across almost the entirety of the rear elevation of the host dwelling.
5. The Permitted Development Rights for Householders: Technical Guidance 2019 clarifies that a wall forming a side elevation will be any wall that cannot be

identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls, as illustrated on an accompanying image of the guidance.

6. The projection of the utility room to the rear creates a side elevation that the scheme would extend beyond for the purposes of the legislation. The limitations to permitted development are based on the original dwellinghouse and apply even if part of the original wall is to be removed. The proposed development would extend beyond a wall forming the side elevation of the rear projection and have a width greater than half the width of the original dwellinghouse. Therefore, the proposal would fail to comply with Paragraph A.1.(j)(iii). As such, the proposals would not satisfy the criteria to be permitted development, as defined by the above part and class.

Other Matter

7. The appeal scheme seeks prior approval for an extension under the permitted development regime. It requires compliance with explicit criteria with which, as set out above, the appeal scheme would not comply. My conclusions do not therefore change in light of the other examples of extensions cited elsewhere.

Conclusion and Recommendation

8. For the reasons given above, the appeal scheme would not satisfy the explicit limitations and exceptions of the above mentioned legislative provisions. The appeal should therefore be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR