



Appeal Decision

Site visit made on 7 May 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/N5090/D/23/3330790

2 Howcroft Crescent, Finchley, Barnet, London, N3 1PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Ms Kazue Ong against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3286/PNH.
 - The development proposed is a single storey rear extension with a proposed depth of 4.07 metres, an eaves height of 2.85 metres, and a maximum height of 4.00 metres.
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Decision

1. The appeal is allowed and prior approval is granted under the provision of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for a single storey rear extension with a proposed depth of 4.07 metres, an eaves height of 2.85 metres, and a maximum height of 4.00 metres at 2 Howcroft Crescent, Finchley, Barnet, London N3 1PB in accordance with the application, Ref 23/3286/PNH and the plans submitted with it.

Preliminary Matters

2. The description used by the Council differs from that used by the appellant. However, as it concisely reflects the development proposed, including the dimensions indicated within the submitted application form, I have also used it. However, I have omitted wording that describes details of the proposal that are not development.
3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. 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, or that the appellant has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

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

Reasons

6. The appeal property is two storey and semi-detached and the external finishes include brown brick on the front elevation and brown dry dash render on the side and rear elevations. The proposal would see the removal of an existing conservatory extension on the rear elevation.
7. The Council consider the proposed render finish would not reflect the existing dwelling. They also state that as the submitted plans indicate that a door and ground floor window is proposed on the side elevation of the original dwelling, the development would fall outside the scope of the prior approval application. As such, they consider that the development would not comply with the conditions, limitations, or restrictions applicable to development permitted by Class A.
8. There is no substantive evidence before me to demonstrate that the window and door on the side of the original dwelling could not be formed as permitted development. Therefore, I do not consider their inclusion as a factor that would warrant refusal of prior approval for the rear extension.
9. The extension would be finished in both brick and render. During my site visit I noted that both brick and render finishes are present on the building as existing. As such the proposed external finishes would reflect the existing dwelling.
10. The proposed extension complies with criteria A.1(e) to (k), A.2 (a) to (c) and A.3 (a) to (c) of Part 1, Class A. If a development permitted by Class A exceeds the limits in paragraph A.1 (f) but is allowed by paragraph A.1 (g) the local planning authority must notify each adjoining owner or occupier about the proposed development. I note the Council notified four neighbours and no replies were received.
11. In conclusion, I find that the proposed external materials would reflect the existing dwelling. Also, there is no evidence before me to suggest that the proposed window and door on the original dwelling would not be permitted development. As such their inclusion on the proposed plan is not determinative of my assessment of the application for prior approval. Based on the evidence before me the proposed extension would be permitted development within the terms of Schedule 2, Part 1, Class A of the GPDO.

Conclusion

12. For the reasons given above the appeal should be allowed and prior approval should be granted.

C Livingstone

INSPECTOR