The Planning Inspectorate

Appeal Decision

Site visit made on 19 August 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/M5450/W/24/3337104
14 Cannon Lane, Pinner HA5 1HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval 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 Mr and Mrs Y Poddar against the decision of the Council of the London Borough of Harrow.
- The application reference is PL/0198/23.
- The development proposed is the erection of single storey rear extension to dwelling house.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This proposal, for a "larger home extension", was submitted pursuant to Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

3. The Council refused the submission on the basis that the appropriate fee had not been paid, which is a requirement of a valid application. However, it has subsequently accepted, based on the information submitted by the appellant, that the fee was paid and that it should have considered the proposal.

4. At the appeal stage, the Council has explained that had it considered the proposal it would have been refused for two reasons. One of the reasons argues that the scheme would not meet with the limitations of the relevant section of the GPDO and, therefore, cannot proceed to be considered as permitted development. The second putative reason for refusal concerns the effect of the proposal on the living conditions of the occupants of adjoining properties.

5. The appellant has had the opportunity to comment on the putative reasons for refusal as part of the appeal process.

Procedural Matters

6. In terms of the arguments advanced by the Council, it is firstly necessary to consider whether the scheme could benefit from the permitted development right provisions of the GPDO. If it would not, then a full planning permission would be required and, alternatively, if it would meet with the relevant GPDO limitations then it would be possible to consider the proposal on its merits.

7. The starting point is that Class A of Part 1 of Schedule 2 of the GPDO can allow, as permitted development, for the enlargement, improvement or other alteration of a dwellinghouse. There are a number of limitations that a proposal is required to meet for it to be considered permitted development.

8. Of particular relevance to this proposal is that sub-paragraph A.1.(ja) sets out when a proposed extension, in conjunction with other additions, should be considered together. In particular, in summary form, this limitation requires that any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) should not exceed the limits set out in sub-paragraphs A.1.(e) to (j).

9. One of the limitations of these sub-paragraphs A.1.(e) to (j) is A.1.(h)(i). This limitation excludes from being permitted development a proposal where the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

10. In the case of 14 Cannon Lane, the property has already had a rear extension which includes a two storey addition. The proposed extension the subject of this appeal would be joined to that existing extension and extend the built form further from the original rear wall of the house. In accordance with sub-paragraph A.1.(ja) it is necessary for the total enlargement of both the existing and proposed extensions to be considered together against the limitations. Collectively these additions need to meet with the requirements of Class A.1.(e) to (j) and, in particular the relevant limitation at sub-paragraph A.1.(h)(i).

11. The total enlargement would have more than one storey, because of the two storey element of the existing extension, and would also extend more than 3 metres from the rear wall of the original dwellinghouse. The combined distance of the existing and proposed extensions would be 7m from that original rear wall. Neither of the requirements under A.1.(h)(i) would be met. Accordingly, this additional extension to the rear of the dwelling would fail this limitation and would, therefore, not fall to be considered as permitted development under Class A.

12. Consequently, as the scheme would not comply with the permitted development limitations, a full planning application will be required. It is, therefore, not appropriate as part of this appeal to consider the merits of the extension and, in particular, whether or not the extension would be acceptable in relation to the impact on the living conditions of the occupiers of adjoining properties. It also follows the representations of support are not matters that can be taken into account.

Conclusion

13. For the above reasons, the proposed extension would not meet with the limitations set out in Class A of Part 1 of Schedule 2 of the GPDO and would, therefore, not constitute permitted development. Consequently, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR