



---

## Appeal Decisions

Site visit made on 18 September 2024 by M Long BA(Hons) MSc MRTPI

### Decisions by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

---

#### Appeal A – Ref: APP/P5870/D/24/3345548

##### 5 Crichton Avenue, Wallington, Sutton SM6 8HL

- 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 Amirtharaj Senthilnathan against the decision of the Council of the London Borough of Sutton.
  - The application Ref is DM2024/00071.
  - The development proposed is described as a 'single storey 4.5m rear extension'.
- 

#### Appeal B – Ref: APP/P5870/W/24/3337374

##### 5 Crichton Avenue, Wallington, Sutton SM6 8HL

- 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 Amirtharaj Senthilnathan against the decision of the Council of the London Borough of Sutton.
  - The application Ref is DM2023/01619.
  - The development proposed is described as a 'single storey 6m rear extension'.
- 

### Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

### Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendations are set out below and to which the Inspector has had regard before deciding the appeals.

### Procedural Matters

4. There are two appeals on this site which seek consent 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 GPDO), which grants planning permission for the enlargement of a dwellinghouse subject to limitations and conditions. **Appeal A** seeks consent for a single storey rear extension with a depth of 4.5 metres and **Appeal B** seeks consent for a single storey rear extension with a depth of 6 metres. I have considered

each appeal on its individual merits. However, to avoid duplication, I have dealt with **Appeal A** and **Appeal B** together.

5. 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 the conditions, limitations or restrictions applicable to development permitted by Class A.

### **Main Issues**

6. For both **Appeal A** and **Appeal B**, the main issue is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

### **Reasons for the Recommendations**

7. The appeals relate to the two-storey, semi-detached dwelling at 5 Crichton Avenue (No 5). The Council has provided an O.S. map dated 1956 which indicates that at that time the houses on this side of Crichton Avenue, including No 5, had similar rear projections indicating they were an original feature of these dwellings. The appellant has also provided photographs which indicate that works have been undertaken to remove a small rear projection from No 5 although it is unclear whether that once formed part of the larger rear projection depicted on the 1956 O.S. map. In any case, in the absence of any detailed evidence to demonstrate otherwise, I have no reason to disagree with the Council that the rear projection depicted on the 1956 O.S. map formed part of the original house at No 5.
8. The depths and heights of the single storey rear extensions in **Appeal A** and **Appeal B** would meet the limitations set by the GPDO. However, Paragraph A.1(j) of Schedule 2, Part 1, Class A sets out that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original house, and would (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse.
9. The 'Permitted development rights for householders: technical guidance' (2019) confirms that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall and that houses will often have more than two side elevation walls. Where an extension is beyond any side wall, the restrictions in Paragraph A.1(j) will apply. As the limitations to permitted development at A.1(j) are based on the original house, they apply even if part of the original wall has been removed. On the basis of these factors, the side elevation walls of the rear projection at No 5 depicted on the 1956 O.S. Map must be taken into account for the purposes of the GPDO.
10. For both appeals, the proposed extensions would project from the rear elevation of the main house and past the footprint of the pre-existing rear projection depicted on the 1956 O.S. Map. As such, for both **Appeal A** and **Appeal B**, the enlarged part of the dwellinghouse would extend beyond where the side elevations of the original rear projection were once sited. In both cases, the proposals would have a width greater than half the width of the

original dwellinghouse. Therefore, the developments proposed under both **Appeal A** and **Appeal B** fail to meet the requirements at Paragraph A.1(j)(iii)

11. For these reasons, I conclude that the proposed development under both **Appeal A** and **Appeal B** would not satisfy the criteria to be permitted development under the terms of Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

### **Other Matters**

12. The Council has confirmed that there would be no harm to the amenities of adjoining occupiers resulting from the proposed development under **Appeal A** and **Appeal B**. Consequently, whilst the relevant parts of the GDPO do not require an assessment against the policies of the development plan, the Council found that in that particular regard there would be no conflict with Policy 29 of its Local Plan. Notwithstanding the Council's position in this respect, since I have concluded that the proposals in **Appeal A** and **Appeal B** do not meet the qualifying criteria under Paragraph A.1(j), it has not in either case been necessary to consider the effect the proposals would have on the amenity of adjoining premises.
13. I have been directed to other appeal decisions in which extensions were found to comply with the GPDO. However, there is no suggestion that those particular proposals did not meet the qualifying criteria to be permitted development under Schedule 2, Part 1, Class A GDPO. Those appeals focused only on the effect of the proposed scheme on the amenity of adjoining premises and so are not comparable to the appeals before me.

### **Conclusions and Recommendations**

14. With regard to **Appeal A** and **Appeal B**, I recommend that both appeals should be dismissed.

*M Long*

APPEAL PLANNING OFFICER

### **Inspector's Decisions**

15. I have considered all the submitted evidence and my representative's recommendations and on that basis **Appeal A** and **Appeal B** are both dismissed.

*M Russell*

INSPECTOR