



Appeal Decision

Site visit made on 7 November 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/B5480/W/24/3342986

159 Cross Road, Mawneys, Romford, Havering RM7 8EA

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ali Turkmany against the decision of the Council of the London Borough of Havering.
 - The application Ref is Y0071.24.
 - The development proposed is a ground floor rear extension with flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. 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 developer 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 Issues

4. The main issues in the appeal are:
 - Whether the proposed development satisfies the requirements of the Town & Country (General Permitted Development) (England) Order 2015 with regard to being permitted development under the above Order.
 - And if so, whether planning permission is deemed to have been granted.

Reasons

Permitted development

5. The appeal property is a two-storey end of terrace dwellinghouse. The original rear wall of the property has a projecting bay that extends from the ground floor level. Although it has been surrounded by an existing single storey rear extension, as I observed on my site visit, it remains in situ internally and the profile is evident on the side elevation of the property. There are similar features to surrounding properties and it is not in dispute that it is an original feature of the property.
6. Paragraph A.1(j) of Class A of the Order outlines that development is not permitted by Class A 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 dwellinghouse.
7. The Council considered in their assessment of the application that the projecting bay forms part of a side elevation of the original dwellinghouse, and that the extension would have a width greater than half the width of the original dwellinghouse and thus would not constitute permitted development.
8. The Permitted development rights for householders - Technical Guidance (MHCLG 2019) identifies a side elevation will be any wall that cannot be identified as being a front wall or a rear wall. It also states that houses will often have more than two side elevation walls.
9. It is the case that a very short and/or shallow wall could constitute a 'side wall' for the purposes of the Order. The only possible exception would be if it was found, as a matter of fact and degree, that the protrusion was too shallow to constitute a wall. A window sill, for example, would not normally constitute a side wall, but a projection in the brickwork might be identifiable as such. As a matter of fact and degree, the projection would form a side elevation of the original dwellinghouse.
10. Paragraph A.4.(2)(c) requires the developer to provide the addresses of any adjoining premises. The appeal property adjoins nos. 1 to 4 Spooner Close and these were not included in the information submitted to the local planning authority as required. I acknowledge, however, that as the Council have outlined, were this to have been the only matter the appellant would have been invited to submit the required information.
11. In the proposed development, it would extend beyond the projecting bay, part of which forms a side elevation of the original dwellinghouse. The extension would have a width greater than half the width of the original dwellinghouse. The proposed development is therefore not permitted under Schedule 2, Part 1, Class A of the Order.

Conclusion

12. The proposed development is therefore not permitted under Schedule 2, Part 1, Class A of the Order. For the reasons given above it is concluded that the appeal should be dismissed.

A M Nilsson

INSPECTOR