



Appeal Decision

Site visit made on 6 December 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/U5930/D/24/3347635

157 Stewart Road, Stratford E15 2BD

- 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 Shayna Begum against the decision of Waltham Forest London Borough Council.
 - The application Ref is 240848.
 - The development proposed is described as prior approval for the construction of single storey rear infill extension which would extend 4.50m beyond the original rear wall of the existing dwelling with a maximum height of 3.00m and an eaves height of 3.00m, single storey rear extension that would extend 4.50m beyond the original rear projection of the existing dwelling with a maximum height of 3.00m and an eaves height of 3.00m.
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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 single storey out-rigger that extends from the ground floor level. From the evidence before me and my own observations on my site visit, the outrigger appears to be an original feature and this is not disputed.
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 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.
8. The projecting outrigger forms part of a side elevation of the original dwellinghouse. The proposed extension to the side would combine with the proposed rear extension beyond the outrigger, as such, that when taken as a whole, it would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse.
9. The Order does not state, as the appellant suggests, that the width of the original dwelling and the outrigger should be combined to give a measurement to be used as a baseline which should not be exceeded.
10. Therefore, in the proposed development, it would extend beyond the outrigger, part of which forms a side elevation of the original dwellinghouse. The proposed 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.

Other Matters

11. The appellant has referred to other developments in the local area. I do not, however, have full details of these examples. Regardless, the presence of these other extensions is not a factor that may be taken into account in the assessment of an application of this nature.
12. The appellant has also referred to compliance with local plan policies which seek to ensure good design. This is not, however, a pertinent matter in this appeal. Similarly, reference to the presumption in favour of sustainable development as set out in the National Planning Policy Framework is also not relevant in this appeal.
13. The appellant has referred in their evidence to three examples of case law. I do not, however, have full details of these cases, in order to give them significant weight. Furthermore, two of the examples cited pre-date the Order.
14. In terms of the case of *Richards v. London Borough of Barnet* (2018) the appellant outlines how it was established that the interpretation of 'original dwellinghouse' should consider both the main structure and any original extensions or outriggers that form an integral part of the house. It does not, however, appear to establish that for the purposes of assessment against the relevant part of the Order, this

means that the width of the main house and the outrigger should be combined as the appellant suggests.

Conclusion

15. 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