Appeal Decision

Site visit made on 12 July 2016

by Richard S Jones  BA (Hons) BTP MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 August 2016

Appeal Ref: APP/Z5060/D/16/3150737
14 Melbourne Gardens, Romford, Essex RM6 6TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr Ricky Enache Mihalache against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 16/00371/PRIOR6, dated 11 March 2016, was refused by notice dated 19 April 2016.
- The development proposed is a single storey rear extension, combination of flat and pitch roof.

Decision

1. The appeal is dismissed.

Preliminary matters

2. I have added the postal town and county to the above address, which were not included in the application forms.

Main Issue

3. The main issue is whether or not the development is permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Reasons

4. The appeal relates to a previously extended semi-detached bungalow.

5. Schedule 2, Part 1, Class A of the GPDO states that the enlargement, improvement or other alteration to a dwellinghouse is permitted development. Paragraph A.1 sets out the limitations of this permitted development right. The Council’s reason for refusal refers solely to the limitations of paragraph A.1(j)(iii) which is that the enlarged dwelling house would extend beyond a wall forming a side elevation of the original dwelling house, and would have a width greater than half the width of the original dwelling house.

6. The appeal proposal seeks to demolish an existing rear extension and attached conservatory and construct a single storey rear extension which would project 5.625m beyond the wall forming the eastern side elevation and 3m from projecting gable end forming the western side elevation of the host dwelling. Save for a small recess to the eastern side projection, the extension would
have a width equal to that of the original dwellinghouse, thereby clearly exceeding the above stated limitations of paragraph A.1(j)(iii).

7. The appellant has referred to the height, the retention of 50% of the garden space and other extensions in the neighbourhood being extended beyond 3m in depth. However, as explained, the appeal proposal fails by having a width greater than half the width of the original dwellinghouse.

8. Consequently, the proposal would not constitute permitted development. The development would thus require an application for planning permission. An application for planning permission would be a matter for the local planning authority to consider in the first instance and cannot be addressed under the prior approval provisions set out in the GPDO.

9. The appellant has also referred to the lack of objection to the proposal and that the extension would be constructed in matching materials. However, these matters are not relevant to establishing whether or not in the first instance the development is permitted development and would be matters of relevance to the conditions of the permitted development right in paragraphs A.3 and A.4. As I have found that the subject building does not benefit from the permission granted by Class A of the Order, it is not necessary or appropriate for me to consider such matters.

Conclusion

10. For the reasons given above, I conclude that the proposal is not permitted development and that the appeal should not succeed.

Richard S Jones
Inspector