Appeal Decision

Site visit made on 30 April 2018

by Joanna Reid  BA(Hons) BArch(Hons) RIBA
an Inspector appointed by the Secretary of State

Decision date:  9 May 2018

Appeal Ref: APP/Z5060/D/17/3192405
6 Ashton Gardens, London RM6 6RT

- 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, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Raza Zaffar against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 17/01729/PRIOR6, dated 19 October 2017, was refused by notice dated 24 November 2017.
- The development proposed is the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by a maximum of 6m, and for which the maximum height would be 3.1m, and for which the height of the eaves would not be more than 3.0m.

Decision

1. The appeal is dismissed.

Reasons

2. The mid-terrace appeal dwelling is situated on the east side of Ashton Gardens and it has a fairly long back garden. The proposal seeks prior approval for a larger single-storey rear extension of a dwellinghouse.

3. In order to benefit from the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) the proposed development must not fall within any of the ‘Development not permitted’ that is set out in GPDO paragraph A.1. GPDO paragraph A.1 (j) (iii) states 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 dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.

4. In this case, the Council says that the appeal dwelling was built with a single storey rear projection, and the side of this projection would constitute a side wall of the original property. From the evidence put to me and from what I saw at my visit, the original dwelling included a mainly 2-storey dwelling that had a shallow single storey lean-to roofed rear outshoot (rear outshoot) that was narrower than the full width of the dwelling. This original plan form is a feature of the terrace and it is shown on the site location plan that was submitted with the application at 2, 4, 8 and 10 Ashton Gardens, which are in the same terrace. Some of the terraced dwellings, including the appeal
dwelling, have been extended at the back, but I saw the rear outshoots at the backs of several of the dwellings in the terrace.

5. I also saw the south facing side wall of the rear outshoot inside the present dwelling between the rooms labelled kitchen/dining and living room on the existing ground floor plan on the application plan. Whilst this wall may or may not have been rebuilt when the present rear extension was added, it is roughly in line with the side wall of the original rear outshoot. The original side wall was shallow in depth but it was, nonetheless, a side wall of the original dwelling. The present wall would be demolished to give an open plan layout in the extension. However, that would not alter my finding that the original dwellinghouse included the rear outshoot, which had a shallow south facing side wall.

6. Because the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse (that is, the south facing side wall of the rear outshoot that was part of the original dwellinghouse) and because the enlarged part of the dwellinghouse would have a width greater than half the width of the original dwellinghouse (because it would be about the full width of the original dwellinghouse), the proposal would not be permitted development in accordance with Schedule 2, Part 1, Class A of the GPDO.

7. The appellant’s agent says that a recent application for a proposed rear extension under prior approval was approved at 371 Whalebone Lane North (ref 16/02000/PRIOR6), that it is a similar style house nearby with a similar rear bay extension, and 2 plans have been put to me. However, it attracts little weight because I do not have the full details of that application. The appellant’s agent has also referred to an example on page 20 of the Permitted development rights for householders Technical Guidance (TG) which is concerned with the depth of rear extensions, and which is not at issue. However, the guidance for ‘Side wall extensions extending beyond rear walls’ in TG pages 23 and 24, in respect of (j) (iii), supports my findings.

8. Thus, the development is not permitted by the GPDO. It is development for which an application for planning permission is required, and any such application would be made to the local planning authority in the first instance.

9. For the reasons given above and having regard to all other matters raised, including that there were no objections from adjoining occupiers, the appeal fails.

Joanna Reid

INSPECTOR