Appeal Decision
Site visit made on 24 April 2018
by Simon Warder  MA BSC(Hons) DipUD(Dist) MRTPI
an Inspector appointed by the Secretary of State
Decision date:  14 May 2018

Appeal Ref: APP/Z5060/D/17/3191891
58 Salisbury Avenue, Barking, Essex IG11 9XR

- 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 Order).
- The appeal is made by Mrs S R Begum against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 17/01860/PRIOR6, dated 6 November 2017, was refused by notice dated 14 December 2017.
- The development proposed is described as ‘Application for Prior Approval. Demolish existing single storey rear WC and associated bay. Proposed new single storey rear extension (Depth 6m, Height to eaves 2.85m and maximum height 3m).

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Mrs S R Begum against the Council of the London Borough of Barking & Dagenham and the Council of the London Borough of Barking & Dagenham against Mrs S R Begum. These applications are the subject of separate Decisions.

Main Issue

3. The main issue is whether or not the proposed extension for which prior approval is sought is permitted development under the provisions of the Order.

Reasons

4. Paragraph A.1(j) of the Part 1 Class A of the Order states that development will not be permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and, among other things, would have a width greater than half the width of the original dwellinghouse.

5. The appellant has referred to the Hilton case¹ which considered the definition of the ‘enlarged part’ of a dwellinghouse and how this affects the interpretation of the permitted development rights under Class A. However, the limitation in Paragraph A.1(j) refers to the side elevation of the original dwellinghouse. In

case, there is nothing to suggest that the side wall in question is not part of the original dwelling. Indeed the diagram on page 2 of the appellant’s statement describes it as such. Consequently, I consider that the Hilton case does not provide support for the appellant’s position.

6. The appellant also argues that, since the part of the building which includes the side wall is to be demolished to make way for the proposed extension, it should not be taken into account. Reference has been made to an appeal decision where the Inspector found that the Council should have taken into account the intention to demolish an existing extension as part of the proposed works\(^2\). Notwithstanding the Inspector’s conclusion in that case, the side wall in this case is part of the original dwelling. It should, therefore, be taken into account even if the demolition works themselves would not require planning permission. Moreover, the matter has been considered in more recent appeal decisions\(^3\) where Inspectors have reached similar conclusions.

7. The proposed extension would extend beyond an original side wall. There is no dispute that the proposed extension would have a width greater than half the width of the original dwellinghouse. As such, I find that it is not permitted development for the purposes of paragraph A.1(j) of the Part 1 Class A of the Order.

**Conclusion**

8. For the reasons set out above, the appeal should be dismissed.

*Simon Warder*

INSPECTOR

\(^2\) Appeal reference APP/H5960/X/09/21115904
\(^3\) Appeal references APP/Z5060/D/17/3177142, APP/Z5060/D/16/3156051