Appeal Decision

Site visit made on 28 December 2017

by P W Clark  MA MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th January 2018

Appeal Ref: APP/Z5060/D/17/3189661
23 Mill Lane, Dagenham, Essex RM6 6TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015.
- The appeal is made by Mrs Shahida Esa against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 17/01472/PRIOR6, dated 29 August 2017, was refused by notice dated 6 October 2017.
- The development proposed is a single storey 6m rear extension.

Decision

1. The appeal is dismissed.

Reasons

2. This appeal is not against a refusal of planning permission but against a refusal to grant an approval required as a condition of the planning permission given in Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). This part of the GPDO gives planning permission for the enlargement, improvement or other alteration of a dwellinghouse subject to a number of limitations, exceptions and conditions. These are set out in paragraphs A1, A2, A3 and A4 of the Class.

3. Paragraph A1(j) provides 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. The effects of this provision are explained on page 24 of the government’s Technical Guidance Permitted development rights for householders; https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606669/170405_Householder_Technical_Guidance__-April_2017_FINAL.pdf.

4. Any house which has a plan form which is not a simple rectangle will have secondary side elevations in addition to its main side elevation. Such is the case here where a small store, which is a feature of the original dwellinghouse projects from the rear elevation and so has two side elevations. One continues the side elevation of the main house. The other is a short side elevation adjacent to the kitchen window of the main house.
5. It is from this short side elevation that the limitation of half the width of the original dwellinghouse must be measured. The width of the original dwellinghouse is approximately 6.75m. Half the width of the dwellinghouse would therefore be approximately 3.375m. But the extension proposed would extend across the full width of the back of the house by about 5.4m from the side wall of the existing store and so would exceed the limitation.

6. This means that the proposal would not comply with condition (j) of paragraph A1 of Class A of Part 1 of Schedule 2 of the GPDO and so would not be a development which benefits from the planning permission given by the GPDO. The question of whether it should be granted the approval required by paragraph A4 of the GPDO cannot therefore arise. A specific planning application must be made, considered in accordance with the full procedures for a planning application and refused by the local planning authority in the first instance before any appeal can be entertained. This present appeal must therefore be rejected.

7. This outcome may appear to be anomalous because, if the store had not been built as part of the original house, the limitation would not have applied and the outcome would have been different. But, in determining this appeal, I must apply the provisions of the GPDO as they are enacted. These provisions apply to the house as originally built so the fact that the store would be removed as part of the proposal makes no difference to the outcome of this appeal. Nor would it have made any difference if the store had previously been demolished.

P. W. Clark

Inspector