

DELEGATED APPLICATION REPORT

Target Date: 12/03/2019

Application No: 190135/HPA

Address: 33 Argyle Road

Proposal: Rear extension measuring 4.7m in depth, with a maximum height of 3.6m, and 3.6m in height to eaves level. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

Case officer: Tom French

INTRODUCTION

Under Class A, Part 1, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 2015 Order”), as amended, the following is allowed:

extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse

provided the development is not excluded by virtue of the criteria in Paragraph A.1 of the 2015 Order.

The application site contains a two storey semi-detached dwelling. The application property has a staggered rear elevation with a 0.9m ‘step’.

The application site is not within a Conservation Area nor have PD rights been withdrawn or restricted by way of a direction made under Article 4 or condition attached to an express planning permission.

PROPOSAL

The proposal falls to be considered under Paragraph A.1 (g) and accordingly Condition A4 applies.

The agent has provided information on the proposed rear extension. The extension proposed would:

- Extend beyond the rear wall of the original dwelling by 4.7m
- Have a maximum height of 3.6m
- Have an eaves height of 3.6m

PLANS SUBMITTED

The applicant submitted the following drawing, received on 30th January:

Drawing Title: 33 Argyle Road Kitchen extension

PLANNING HISTORY

None.

NOTIFICATION

In accordance with the relevant provision of the GPDO 2015 Order, the LPA notified on 30th January 2019 the adjoining owners and occupiers at 31 & 35 Argyle Road and Flats 1, 2, 3, 4, 5 & 6 of 6 Alleyne Close and 5 Alleyne Close providing a period of 21-days for representations to be made. The 21 day consultation period expired on 20th February. No letters of representation have been received.

Equalities Impact

In determining this application, the Local Planning Authority has had regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, and sexual orientation.

In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Appraisal

The proposed development has been assessed under Class A, Part 1, of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015. The development would not meet the criteria of Paragraph A.1 (j) (iii)

*‘(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(iii) have a width greater than half the width of the original dwellinghouse;’*

The application building has a staggered rear elevation that contains a step of 0.9m. As the proposal would have a width equal to the width of the original dwellinghouse, the relevant consideration is if the 0.9m step between the two rear elevations constitutes a ‘wall forming a side elevation of the original dwellinghouse’. The technical guidance states that ‘A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall’. The wall in question is perpendicular to the rear elevation and has a length of 0.9m. As such it is not considered to be part and parcel of the rear elevation and cannot be identified as being a front or rear wall in its own right. Therefore it is concluded that the proposed extension would extended beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than

half the width of the original dwelling. As such the proposal does not meet the relevant criteria of the GPDO and does not qualify as permitted development.

The following appeal decisions support the conclusions reached in this report and the interpretation of the GPDO used in this assessment:

Appeal Ref.: AA/L5240/X/16/3143801

Address: 68 Hunter Road, CR7 8QG

Decision Date: 02/12/2016

Relevant comments from inspector: *The publication Permitted development for householders: Technical Guidance as amended April 2016 (PDTG)², provides guidance on the interpretation of the GPDO and says that “a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall”. It adds, “houses will often have more than two side elevation walls”. The illustrative diagram on page 23 of the PDTG shows a stepped rear elevation which has some similarity to the appeal before me in that the rear elevation does not have a uniform alignment and there are existing projections and set backs. In these circumstances any wall at No 68 which is at the back of the house but does not directly face the garden is a ‘side wall’ for the purposes of the GPDO.*

Consequently there are two side walls at the back of the house, namely part of the toilet/larder projection and also the set back in the main elevation. Thus, as a matter of fact the proposed extension would extend beyond a wall forming a side elevation of the original dwelling house.

Appeal Ref.: AA/M3645/X/16/3154333

Address: Five Acres, Little Common Lane, RH1 4QG

Decision Date: 09/02/2017

Relevant comments from inspector: *The existing floor plans (Dwg Nos: PL/E-100 rev C and PL/E-101 rev A) show that the rear elevation of the original property is not uniform. There is a gable feature that extends the full height of the house; this projects about 310mm³ from the remainder of the elevation. The appellant suggests that the gable projection including the short flank walls are part of the rear elevation when considered as a whole.*

However the publication Permitted development for householders: Technical Guidance as amended (the PDTG), provides guidance on the interpretation of the GPDO and says that “a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall”. It adds, “houses will often have more than two side elevation walls”. The illustrative diagram on page 23 of the PDTG shows a stepped rear elevation which has some similarity to the appeal before me in that the rear elevation does not have a uniform alignment and there are existing projections. In these circumstances any wall which is at the back of

the house but does not directly face towards the rear is a 'side wall' for the purposes of the GPDO.

Appeal Ref.: AA/Y3615/X/16/3158713

Address: Studio, Blue Ryder Lodge, KT24 6NU

Decision Date: 22/05/2017

Relevant comments from inspector: *The proposed extension wraps around the rear corner of the garage to adjoin the car port. Whilst the enlarged part of the dwelling would not extend beyond the car port side wall it would extend beyond this small section of side facing garage wall. As such, the proposal falls to be considered as a side extension as well as a rear extension.*

The limitations of A.1(j) apply to "the enlarged part of the dwellinghouse". Thus it is the entire extension, not just the part that extends beyond the original side wall, that needs to be considered against limitations (i), (ii) and (iii). The extension as a whole exceeds 4 metres in height and has more than one storey. Its width, spanning the full width of the original dwellinghouse, exceeds the permitted width, that being no more than half the width of the original dwellinghouse.

On this point I agree with the Council. The enlarged part of the dwelling would extend beyond a wall forming a side elevation and would exceed the permitted development limitations of A.1(j).

Appeal Ref.: AA/Y9507/X/17/3166485

Address: Stonycroft, Halnaker Lane, GU32 1PW

Decision Date: 12/09/2017

Relevant comments from inspector: *I appreciate that the Technical Guidance is only guidance but it makes it clear that any a wall forming a side elevation of a house will be any wall that cannot be identified as being a front or rear wall. The two storey north-east wall is neither a front nor a rear wall. The north-east side elevation of the property as existing is clearly shown on drawing no.GA-002 and the 0.45m wide 'step' is a part of the wall that forms the side of the two storey part of the dwelling. Even though the 0.45m element is narrow it is, in my judgment, part of the north - east side two storey wall.*

There is no dispute that the proposal in Appeal A would have a width greater than half the width of the original dwellinghouse and I find as a matter of fact that it would extend beyond a wall forming a side elevation of the original dwellinghouse; this proposal would offend both A.1(j)(iii) and A.2(b) and would not be permitted development.

Appeal Ref.: AA/Q5300/X/17/3175226

Address: 3 Swansea Road, EN3 4JG

Decision Date: 03/05/2018

Relevant comments from inspector: *The Government's Technical Guidance (TG) Permitted development rights for householders, last updated in April 2017, says that houses will often have more than two side elevation walls. The diagram on page 23 of the TG (which appeared in earlier versions of the TG going back several years) shows a semi-detached property with two typical stepped rear projections and both sides of those projections are marked as walls forming a side elevation. Although not a definitive statement of the law, the TG indicates how the Government considers the permitted development provisions should be applied. It therefore carries significant weight. Appeal Decision APP/Q5300/X/17/3175226 <https://www.gov.uk/planning-inspectorate> 3*

In this case, which is very similar to the example on page 23 of the TG, it is clear that the inner flank wall of the original two-storey, rear-projecting wing must be considered as a wall forming a side elevation of the original dwelling. That being the case, the 6 m deep single-storey rear extension 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, thereby failing to meet the limitation at Class A.1 (j) (iii) of Part 1 to Schedule 2 of the GPDO.

Recommendation

Refuse prior approval

The proposed development has been assessed under Class A, Part 1, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. The development would not meet the criteria of Paragraph A.1 (j) (iii) - '(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(iii) have a width greater than half the width of the original dwellinghouse;'

Prior Approval cannot be granted in this instance and is refused because the extension will extend past a wall forming the side elevation of the original dwellinghouse, and will have a width that is greater than half the width of the original property.

INFORMATIVES

- Refused Plans

The refusal relates only to the following plans and drawings as received by the Local Planning Authority on 30th January:

Drawing Title: 33 Argyle Road Kitchen extension