
Appeal Decision

Site visit made on 24 July 2018

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2018

Appeal Ref: APP/L5240/D/18/3194325
144 Green Lane, London SW16 3NE

- 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(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Jovani Curea against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/05047/GPDO, dated 6 October 2017, was refused by notice dated 17 November 2017.
 - The development proposed is creation of a 6m rear extension at ground floor level.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the notification for prior approval form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original notification form.

Main Issue

3. The main issue in this appeal is whether the proposal would comply with Schedule 2, Part 1, Class A of the GPDO; and, if so, the effect on the living conditions of occupiers of 142 Green Lane with regards to outlook, light and privacy.

Reasons

4. The appeal property is a semi-detached dwelling with a single storey outrigger located to the rear. The Council's first reason for refusal sets out that the proposal would result in the enlarged part of the dwellinghouse extending beyond a wall forming a side elevation of the original dwellinghouse and which would have a width greater than half the width of the original dwellinghouse. This would be contrary to the provisions of Schedule 2, Part 1, Class A, Paragraph A.1 (j) (iii) of the GPDO.

5. The appellant contends that the outrigger is an extension which is to be demolished as part of the proposal, and that in this scenario the extension would not be to the side of the original house.
6. However, in respect of the original dwellinghouse, the submitted site and location plans show outriggers of a similar arrangement to the appeal site on neighbouring dwellings. I also saw that outriggers of a similar design and layout were in place on nearby dwellings, including evidence of outriggers being subsumed into rear extensions. On the basis of what I have seen and read, the outriggers appear to be part of the original dwellings as so built, including the appeal property. The evidence therefore suggests that the outrigger is part of the original dwellinghouse, rather than a subsequent enlargement of the appeal property.
7. The appeal proposal would extend beyond the extant side wall of the outrigger and would therefore extend beyond a wall forming a side elevation of the original dwellinghouse. Although the outrigger would be demolished as part of the proposal, this does not alter the consideration of the outrigger as being part of the original dwellinghouse in respect of the GPDO. Furthermore, the proposal would have a width greater than half the width of the original dwellinghouse, given that it would span the full width of the rear of the building. Consequently, the proposal would fail to comply with Schedule 2, Part 1, Class A, Paragraph A.1 (j) (iii) of the GPDO.
8. I therefore conclude that the proposal would not comply with Schedule 2, Part 1, Class A of the GPDO. Given that conclusion it is unnecessary for me to make a determination on the effect on the living conditions of occupiers of 142 Green Lane or any representations made on this issue by the Council, the appellant or interested parties.

Conclusion

9. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR