From:	Joanne Stone <joannestone@tesco.net>
Sent:	08 January 2010 11:36
To:	Hannah Barker
Cc:	Joanne Stone
Attachments:	http___www.pcs.planningportal.gov.uk_pcsportal_fscdav_READONLY_OBJ=WRAP AROUND EXTN COO.2036.300.12.1511385&NAME=_Decision..pdf; WRAP AROUND ETXN 3 http___www.pcs.planningportal.gov.uk_pcsportal_fscdav_READONLY_OBJ=COO.2036.300.12.1381104&NAME=_Decision.pdf

Hannah,

I have now had the opportunity of researching your request for advice on wrap around extension and the new GDPO and have found some useful recent appeal decisions which are attached and which firmly lead me to the conclusion that the proposed wrap around extensions are capable of being permitted development under the new regime.

You were concerned that the proposed extension fell foul of the GDPO in that the corner section of wraparound extension did not fall squarely into the limitations restricting the size of any new extension, extending beyond the rear or side walls of the original house (in the case of a detached dwelling) by more than 4 metres and you asked whether the section of the extension which joins the rear extension to the side extension (which is not attached to any 'original walls') needs planning permission or whether it would be possible to class it as either a side or rear extension in order to comply with the GDPO?

The Inspectors decision in the a property at 8 Brookland Drive, Ealing is particularly helpful although the appeal was ultimately dismissed for other reasons. I've copied and extract below although the Inspectors full decision is attached for reference.

4. No 8 is a fairly conventional 2-storey end terraced house. The existing wooden structure attached to the flank wall of the dwelling with a return at the rear of the property would be demolished. In its place a flat roofed side extension of 3 m height would fill the space between the side wall of the dwelling and the boundary, "wrap around" the rear and project not more than 3 m from the rear wall of the dwelling. The rear extension includes a 2-storey element, which would be set back not less than 2.45 m from the nearest curtilage boundary.

5. Class A permits the enlargement, improvement or other alteration of a dwelling house. In this context the Council says: "The GPDO refers to separate elements of extensions to dwelling houses, such as rear extensions and side extensions, which have to be considered separately in terms of the relevant part of paragraph A.1", but I cannot agree. The Class is permissive in the much more general terms set out above and is not restricted to the use of such narrow terminology. Class A simply does not use the terms side or rear extensions.

6. Development is not permitted by Class A if it fails any of the criteria in A.1. The Council says the proposal would fail to meet (e) and (h), but in my view neither would be breached. Dealing firstly with (e) the single storey element of the rear extension would not extend the part of the rear wall of the original dwelling house that is being extended from1 by more than 3 m. Similarly that part of the proposed extension that would extend beyond the wall forming the side

elevation would not have a width greater than half of the original dwelling. The Council acknowledge that the side extension would measure 2.45 m, which is less than half the width of the dwelling house that measures around 5.8 m.

7. In my view the limitations contained in A.1 (e) and (h) do not apply to the corner element of the "wrap around" as it is not 'beyond' the side or rear wall.
The term 'beyond' is defined in the Concise Oxford English Dictionary (Tenth Edition Revised) as "at or to the further side of". Since the corner enlargement, i.e. that part of the proposed extension that does not extend from either the side or rear wall of the original dwelling, is not explicitly excluded by the terms of A.1 this element of the proposed scheme must be a permitted enlargement.

8. Even if I am wrong and 'beyond' the rear wall or a wall forming a side elevation, as the case may be, should be interpreted to be any point outside a horizontal line drawn along the line of the side or rear wall, the proposal would not exceed the limitations contained in A.1 (e) and (h). For this reason I can be sure that this element of the proposed development would be permitted by Class A.

Another decision, which I've also attached in full above concerned 2 Croydon Lane, Banstead, . The Inspector reached the same conclusion as above and a Lawful Development Certifcate was issued.

1. The application has been made on the grounds that the extension would comply with the requirements of Class A of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) England) Order 2008, the new permitted development regime for householders [GPDO]. The Council has refused the application on grounds that it would not be permitted development because part of the side extension would project beyond the rear wall of the original dwelling and that the rear extension would project beyond the side wall.

2. The extension would wrap round the existing bungalow so that it would extend the original dwelling both to the side and behind the original dwelling and the proposed side extension. The GPDO is expressed in negative terms, thus "Development is not permitted by Class A if – ...." and then sets out the principles to be applied that limit the permitted development. In this case the first relevant criterion is found at paragraph A1 (e) "the enlarged part of the dwellinghouse would have a single storey and – extend beyond the rear wal lof the original dwellinghouse by more than 4 metres in the case of a detached dwelling house.....". The second criterion is at paragraph A1 (h) "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..."

3. The issue concerns whether part of the proposed extension would fall outside the limits set out in the GPDO. It is clear that any extension that lies immediately behind, but would not be wider than, the rear wall of the original dwelling is permitted. Equally, it is plain that any extension at the side of the dwelling if not more than half the width of the original dwelling and which would not be deeper from front to back than the original dwelling would be permitted development.

4. The main principle to be considered is that the enlargement, improvement or other alteration of a dwellinghouse is permitted development subject to the

limitations imposed at A1 (a) – (i). In this case the element of the proposed extension that wraps round the rear corner of the original dwelling does not
breach those limitations and is not otherwise explicitly excluded. The other parts of the proposed extension fall within those limitations as indicated
above. It can thus be regarded as an enlargement which is permitted development and the appeal must succeed.

I trust these decisions are of assistance. I consider that they provide some re-assurance that we need not be over restrictive when interpreting the new GDPO. Interestingly, I have also found some new decisions on the correct interpretation of Eaves which I hope to report to you and your colleagues as soon as I can.

Please do not hesitate to contact me if you have any questions. I shall be available on my home email today.

Regards,

Joanne

Appeal Decision

Site visit made on 3 November 2009

by Pete Drew BSc (Hons) DipTP (Dist) MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
9 December 2009

Appeal Ref: APP/A5270/X/09/2103391
8 Brookland Drive, Perivale, Greenford, Middlesex UB6 7AU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (hereinafter "the Act") as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr J Patel against the decision of Ealing Council.
- The application No. P/2009/0412-G, dated 16 February 2009, was refused by notice dated 14 April 2009.
- The application was made under section 192(1)(b) of the Act.
- The development for which an LDC is sought is proposed single storey side, rear and two storey rear extensions. Demolition of existing side structure.

Formal Decision

1. I dismiss the appeal.

Procedural Matters

2. Following my site inspection I raised a fresh matter, which was not an issue for the Council, with both main parties. I have taken account of the Appellant's Agent's letters dated 27 and 30 November 2009 in reaching my decision.

Reasons

3. The main issue is whether the proposed extension to the dwelling known as 8 Brookland Drive (No 8) would be permitted development by virtue of Article 3 and Class A to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008).

4. No 8 is a fairly conventional 2-storey end terraced house. The existing wooden structure attached to the flank wall of the dwelling with a return at the rear of the property would be demolished. In its place a flat roofed side extension of 3 m height would fill the space between the side wall of the dwelling and the boundary, "wrap around" the rear and project not more than 3 m from the rear wall of the dwelling. The rear extension includes a 2-storey element, which would be set back not less than 2.45 m from the nearest curtilage boundary.

5. Class A permits the enlargement, improvement or other alteration of a dwelling house. In this context the Council says: *"The GPDO refers to separate elements of extensions to dwelling houses, such as rear extensions and side extensions, which have to be considered separately in terms of the relevant part of paragraph A.1"*, but I cannot agree. The Class is permissive in the much more general terms set out above and is not restricted to the use of such narrow terminology. Class A simply does not use the terms side or rear extensions.

6. Development is not permitted by Class A if it fails any of the criteria in A.1. The Council says the proposal would fail to meet (e) and (h), but in my view neither would be breached. Dealing firstly with (e) the single storey element of the rear extension would not extend the part of the rear wall of the original dwelling house that is being extended from[1] by more than 3 m. Similarly that part of the proposed extension that would extend beyond the wall forming the side elevation would not have a width greater than half of the original dwelling. The Council acknowledge that the side extension would measure 2.45 m, which is less than half the width of the dwelling house that measures around 5.8 m.

7. In my view the limitations contained in A.1 (e) and (h) do not apply to the corner element of the "wrap around" as it is not 'beyond' the side or rear wall. The term 'beyond' is defined in the Concise Oxford English Dictionary (Tenth Edition Revised) as *"at or to the further side of"*. Since the corner enlargement, i.e. that part of the proposed extension that does not extend from either the side or rear wall of the original dwelling, is not explicitly excluded by the terms of A.1 this element of the proposed scheme must be a permitted enlargement.

8. Even if I am wrong and 'beyond' the rear wall or a wall forming a side elevation, as the case may be, should be interpreted to be any point outside a horizontal line drawn along the line of the side or rear wall, the proposal would not exceed the limitations contained in A.1 (e) and (h). For this reason I can be sure that this element of the proposed development would be permitted by Class A.

9. Notwithstanding these positive findings, in post-event correspondence I referred both main parties to the limitation contained in A.1 (g). The enlarged part of the dwellinghouse would be within 2 m of both side boundaries and I have no doubt that the extension would be undertaken as one building operation.

10. On this basis I consider that A.1 (g) is breached because the height of the eaves of the 2-storey element would exceed 3 m which, in turn, forms an integral part of the single operation of enlargement. A.1 (g) does <u>not</u> say *"…the height of the eaves of the enlarged part…"* <u>that is within 2 metres of the boundary</u> *"…would exceed 3 metres"*. I must read the words as they are set out on the face of the document and, despite taking account of post-event correspondence and the fact that the Council has not raised the point, I have been given no substantive reason that would lead me to a contrary view.

11. I appreciate that all other conditions and limitations would be met because the plans are annotated to confirm that the tiles and render would match the existing finish of the dwelling. In particular I accept that A.1 (b), (c) and (f) are all met. However none of these factors or my earlier positive findings outweighs the identified conflict with A.1 (g).

Conclusion

12. For the above reasons, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Pete Drew
INSPECTOR

[1] Terminology derived from DCLG *Response* to *Frequently asked questions* reproduced at [2009] J.P.L. 549.

Appeal Decision

Site visit made on 17 August 2009

by D Roger Dyer **BA, DipArch, RIBA, FCIArb, Barrister**

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

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Decision date:
29 October 2009

Appeal Ref: APP/L3625/X/09/2102574
2 Croydon Lane, Banstead SM7 3AS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 against a refusal to grant a lawful development certificate (LDC).
- The appeal is made by Mr Mark Merrett against the decision of the Reigate and Banstead Borough Council.
- The application (Ref P/08/02391/CLP), dated 8 December 2008, was refused by notice dated 23 March 2009.
- The development relates to "erection of a single storey side and rear extension with a ridge height of no more than 4 metres."

Summary of Decision: The appeal is allowed and a Certificate of Lawfulness is attached to this letter.

Reasons

1. The application has been made on the grounds that the extension would comply with the requirements of Class A of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) England) Order 2008, the new permitted development regime for householders [GPDO]. The Council has refused the application on grounds that it would not be permitted development because part of the side extension would project beyond the rear wall of the original dwelling and that the rear extension would project beyond the side wall.

2. The extension would wrap round the existing bungalow so that it would extend the original dwelling both to the side and behind the original dwelling and the proposed side extension. The GPDO is expressed in negative terms, thus "Development is not permitted by Class A if – ...." and then sets out the principles to be applied that limit the permitted development. In this case the first relevant criterion is found at paragraph A1 (e) "the enlarged part of the dwellinghouse would have a single storey and – extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwelling house.....". The second criterion is at paragraph A1 (h) "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..."

3. The issue concerns whether part of the proposed extension would fall outside the limits set out in the GPDO. It is clear that any extension that lies immediately behind, but would not be wider than, the rear wall of the original dwelling is permitted. Equally, it is plain that any extension at the side of the dwelling if not more than half the width of the original dwelling and which would not be deeper from front to back than the original dwelling would be permitted development.

4. The main principle to be considered is that the enlargement, improvement or other alteration of a dwellinghouse is permitted development subject to the limitations imposed at A1 (a) – (i). In this case the element of the proposed extension that wraps round the rear corner of the original dwelling does not breach those limitations and is not otherwise explicitly excluded. The other parts of the proposed extension fall within those limitations as indicated above. It can thus be regarded as an enlargement which is permitted development and the appeal must succeed.

Conclusions

5. In the circumstances revealed by an examination of the proposals there can be no reason to withhold a Lawful Development Certificate. In reaching my decision I have taken account of all other matters addressed to me in writing but I have found nothing that outweighs the main planning considerations in this case.

Formal Decision

6. The appeal is allowed and a Lawful Development Certificate is attached to this letter.

Roger Dyer
INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 (as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

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IT IS HEREBY CERTIFIED that on 8 December 2008 the operations proposed in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and outlined in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The works proposed and shown on the plans accompanying the application (reference P/08/02391/CLP) indicate an extension to the original dwellinghouse that is permitted development in accordance with Class A of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) No.2) England) Order 2008.

D Roger Dyer
Inspector

Date 29 October 2009
Reference: APP/L3625/X/09/2102574

First Schedule

Single storey side and rear extension with a ridge height of no more than 4 metres.

Second Schedule

2 Croydon Lane, Banstead SM7 3AS.

Plan

This is the plan referred to in the Lawful Development Certificate dated: **29.10.09**

Signed by D Roger Dyer BA, DipArch, RIBA, FCIArb, Barrister (Inspector)

2 Croydon Lane, Banstead SM7 3AS

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