

Appeal Decision

Site visit made on 10 October 2016

by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/Y3615/X/16/3153576
75 Merrow Woods, Guildford GU1 2LJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 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 Dr Jacques-Donald Tournier against the decision of Guildford Borough Council.
- The application Ref 16/P/00826, dated 24 April 2016, was refused by notice dated 16 June 2016.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is Single-storey extension to the back of existing semi-detached house with conversion of garage and utility room. This will involve:
 - converting the existing conservatory and extending over existing patio in line with current utility room and conservatory;
 - creating additional access to the NW side of property on the side of the current garage;
 - raising the height of the existing garage and utility room to bring ceiling in line with rest of the house;
 - removal of chimney.

Summary of Decision: The appeal is dismissed.

Procedural matter

1. The Council referred to a planning permission reference GUI/8301/22823 but did not include this with their statement. This was provided after the unaccompanied site visit and has been taken into account in my decision.

Reasons

2. Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) says that, subject to various limitations, certain alterations and extensions to dwellinghouses have deemed consent. This deemed consent is often described as 'permitted development' or 'pd'. Class A of Part 1 sets out the limitations and conditions that apply in respect of the enlargement, improvement or other alteration of a dwellinghouse. Class G similarly says that the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwelling house are permitted development subject to specified limitations.
 3. The application has been made under S192 of the Town and Country Planning Act 1990 as amended (the Act) and seeks to establish whether or not a
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proposed single storey extension, conversion of an existing garage to habitable space and the removal of a chimney are development permitted by the GPDO and thus do not require an express grant of planning permission.

4. It is common ground between the parties that the proposed extension does not exceed the limitations of Class A, A.1 (a)-(i) and (k). However the Council says that it exceeds the limitation of Class A, A.1(j). The limitations in Class A, A.2, A.3 and A.4 do not apply other than a condition requiring the development to be constructed of matching materials.
5. The removal of the chimney does not exceed the limitations in Class G of Part 1 of the GPDO and thus this part of the development would have deemed consent in the event that the other proposed works do not require an express grant of planning permission.

Class A, A.1 (j)

6. This limitation says that development is not permitted if:

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; and would:

 - (i) exceed 4 metres in height ,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse.
7. The Council says, by reference to planning permission GUI/8301/22823 that the proposed extension conflicts with limitation A.1 (j). This permission appears to be the original approval for the house which was one of 6 police houses permitted in the mid 1960's. Drawing 75/195/1 shows a pair of houses including what is now no 75. The plans are indistinct copies from a microfiche but show a garage and workshop on the left-hand side or north-west elevation of the appeal site. There appears to be a narrow alley between the house and the garage but the roof of the garage extends across the alley and it is linked to the house. It appears at some point this alley has been fully enclosed to form a hallway leading to a workshop and ground floor shower room. In addition a conservatory has been built to the rear.
8. The proposed extension to the side or north-west elevation would incorporate the existing garage and workshop and would not extend beyond that line. The L-shaped extension would wrap around the north corner of the workshop and extend across the full width of the original dwelling house.
9. The publication *Permitted development for householders: Technical Guidance* as amended April 2016 (PDTG)¹, provides guidance on the interpretation of the GPDO and says that in the circumstances where a side extension was built first, it would meet the requirement of being no more than half the width of the original house. This is similar to the appeal before me where the original garage and workshop have been integrated into the main house by reason of the incorporation of the alley. However the proposed extension at the rear would extend across the full width of the house so that its total width would be more than half the width of the house. Even if the workshop was regarded as

¹ *Permitted development for householders: Technical Guidance* Department for Communities and Local Government: Updated April 2016:

part of the original dwelling house the extension now proposed would be greater than half the width of the original. For the purposes of these calculations the entire width of the extension is relevant, not just the infill between the pre-existing conservatory and the workshop².

10. Consequently the proposed development exceeds the limitations in Class A, A.1 (j) and does not benefit from planning permission granted by the GPDO.

Decision

11. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the single-storey extension to the back of existing semi-detached house with conversion of garage and utility room was well-founded and the appeal should fail. I will exercise accordingly the powers transferred to me by section 195(3) of the 1990 Act as amended and uphold that decision.

12. Consequently the appeal is dismissed.

Sukie Tamplin

INSPECTOR

² Page 27 of *Permitted development for householders: Technical Guidance*. Department for Communities and Local Government