
Appeal Decision

Site visit made on 21 December 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/V1505/D/16/3162751

Chase End, Broomhills Chase, Little Burstead, Billericay, Essex CM12 9TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Lee Knieriem against the decision of Basildon.
 - The application ref 16/01507/PDPA, dated 20 October 2016, was refused by notice dated 25 October 2016.
 - The development proposed is described as '*a single storey side/rear extension*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal constitutes permitted development.

Reasons

3. The Council have stated that they did not validate the original application and yet a decision notice was issued. Accordingly, an application has been made, a decision notice issued and a Householder appeal validated, which now falls to be determined.
 4. The Council state in the notice that the proposal does not comply with the conditions and limitations of Class A.1 (g) of The (General Permitted Development) (England) Order 2015 ('GPDO') as the proposed extension will not be extending beyond the rear wall of the original dwellinghouse but from a single storey side extension. However, the Council have also confirmed that a delegated officer report was not produced for the application and overall, there is little before me that explains or clarifies the considerations and analysis that led to the Council's decision.
 5. The appellant contends that the proposal is permitted development as per the example set out on page 20 of the Department for Communities and Local Government 'Permitted Development Rights for Householders – Technical Guidance' April 2016 ('the guidance'). This example relates to an extension on a side wall that extends beyond a rear wall, but is not attached to a rear wall. The guidance is clear that such an extension is subject to the restrictions that apply to rear walls as well as the restrictions on side walls (a combination of both (g) and (j)).
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6. The submitted block plan shows side and rear extensions that were granted a lawful development certificate by the Council¹ in 2016. However, these are clearly shown in a different colour to the extension that is before me and it was evident from my site visit that these extensions had not been constructed.
7. I am required to determine the proposal on the merits of the case put before me by the parties. The submitted block plan clearly identifies the extent of the proposed extension² applied for and it does not include the single storey side or rear extensions shown in orange. It is therefore not before me to consider the combination of the single storey side extension and rear extension.
8. In this particular case, there is no evidence to show how the proposal which is the subject of this appeal would be attached to the original dwellinghouse. I cannot therefore be satisfied that that the proposal would represent the circumstances necessary to comply with (g) and (j) of Schedule 2, Part 1, Class A of the GPDO, in the absence of the single storey side extension having been constructed or forming part of the appeal proposal before me. Consequently, I am unable to conclude that it would be permitted development.
9. For these reasons, I therefore conclude that given the circumstances of this particular case the appeal should be dismissed.

Richard Aston

INSPECTOR

¹ LDC/01563/LDC

² The 8m 'proposed extension' shown in red on the 1:500 Block Plan