
Appeal Decision

Site visit made on 30 January 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 10th February 2017

Appeal Ref: APP/E0345/D/16/3160831

44 Park Lane, Tilehurst, Reading RG31 5DT

- 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, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Z Iqbal against the decision of Reading Borough Council.
 - The application Ref 161487, dated 7 August 2016, was refused by notice dated 20 September 2016.
 - The development proposed is rear extension measuring 6m in depth with a maximum height of 3.5m and 2.5m in height to eaves level
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for rear extension measuring 6m in depth with a maximum height of 3.5m and 2.5m in height to eaves level at 44 Park Lane, Tilehurst, Reading RG31 5DT in accordance with the terms of the application Ref 161487, dated 7 August 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority: Un-numbered Site Location Plan at 1:1250 scale; Existing Plans and Elevations Drawing No 01; Proposed Plans and Elevations Drawing No 01; Block Plans Drawing No 04.

Application for costs

2. An application for costs was made by Mr Z Iqbal against Reading Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have used the description of development contained within the appeal form rather than the planning application as this more precisely describes the proposal.
 4. The Council has refused approval on the basis of its view that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by paragraph A.1(g) of the GPDO (i.e. a larger single storey rear extension) as required by paragraph A.4(3)(a). Paragraph A.4(4) is clear that such a refusal is to be treated as a refusal of an
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application for approval. In these circumstances, the same paragraph provides that the Council is not required to notify adjoining occupiers about the proposed development but it is clear from the information before me that notification did take place. One objection was received from the neighbour at No 46. In addition to this, the Council subsequently sent out a further notification advising neighbours of the appeal and which provided for further comments to be made or amendments to, or withdrawal of, comments received at application stage. However, as the appeal is being dealt with under the Householder Appeals procedure, there is no provision for further comments etc. to be made. Although the Council issued an amended notification letter to address this error, based upon the incorrect notification, the neighbour at No 42 sought to comment on the proposal. Whilst these comments could not therefore be taken into account, in the interests of fairness, I visited the neighbouring property in order to assess any potential effects of the proposal upon its occupier.

Main Issue

5. The main issue is whether the proposal would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO, having regard to the limitation imposed by paragraph A.1(j)(iii).

Reasons

6. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse. Until 30 May 2019, Paragraph (ea) of that Class makes provision for single storey rear extensions up to 6m in length and 4m in height. However, Paragraph A.1(j) of the GPDO says that development is not permitted where 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. It is on this basis that the Council has refused the application.
7. The appeal property is a two storey semi-detached house that previously had a small single storey rearward projecting offshoot. This has recently been demolished to leave a flat rear elevation. On the basis of the evidence and from my observations on site, it is clear that the now demolished part of the dwelling did include wall forming a side elevation to the original dwellinghouse.
8. At the time of the application, the Council was aware of the proposed demolition works but nonetheless maintained that the rear offshoot should be taken into account. In my view, it is illogical to take into account part of a building that no longer exists and the appellant has provided a number of appeal decisions¹ that appear to lend weight to this view along with other decisions made by the Council and those of other councils.
9. Notwithstanding this, even if I were to accept the Council's view, the limitation set out in paragraph A.1(j)(iii) relates to side extensions whereas the proposal before me would constitute a rear extension. Whilst the extension would have a width greater than half the width of the original dwellinghouse, the GPDO concerns extensions that would increase the overall width of the dwelling. In

¹ APP/H5960/X/09/2115911; APP/5960/X/09/2115904; APP/W4705/C/09/2118544 ad 2118545; and APP/M3645/X/10/2131184

this case, the proposed extension would be contained entirely at the back of the house and would not affect its overall width.

10. Whilst not strictly necessary, I have taken into account the views of the neighbouring occupier at no. 42. This property has a single-storey extension across the full width of its rear elevation projecting out by about 4m. The appeal proposal would extend to the rear of the host dwelling by about 6m. However, most of the proposed roof would have a shallow pitch and the extension would be substantially screened by the existing boundary hedgerow. Therefore, although the proposed extension would be of greater depth than that of next door, the majority of it would be inconspicuous and thus, the amenity of the neighbouring occupier would not be harmed.

Conclusion

11. For the reasons given above, I have concluded that approval is not required and the appeal should be allowed.
12. Having regard to paragraph A.4(11)(b), I have imposed a condition requiring the development to be carried out in accordance with the plans submitted to the Council with the application unless it is agreed otherwise in writing. In granting approval, the appellant should also note that the GPDO requires at Paragraphs A.4(13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development and the date of completion.
13. The Council has suggested the use of specific conditions relating to the time limit and matching materials. However, the GPDO Provides the standard time limit, as set out above and also provides (at A.3) that development is permitted subject to the condition that the materials used in its construction shall be of similar appearance to the existing dwellinghouse. I have not therefore imposed the suggested conditions.

Hayden Baugh-Jones

Inspector