

Appeal Decision

Site visit made on 2 May 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/J0350/W/16/3163586
78 Meadfield Road, Slough SL3 8HR

- 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 Gurinder Singh against the decision of Slough Borough Council.
 - The application Ref Y/01841/002, dated 2 October 2016, was refused by notice dated 8 November 2016.
 - The development proposed is to erect a conservatory to the rear of the property. The conservatory will naturally join the existing rear property line, via existing double patio doors. The total outward projection from the existing rear property line would be 5 metres (6 metres including the original house line). The height is proposed to be a maximum of 4 metres, with the height at the eaves a maximum 3 metres.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. The proposal is for a conservatory that would extend a maximum of 6 metres from the rear elevation of the original dwelling. Schedule 2, Part 1, Class A of the GPDO provides that development consisting of the enlargement, improvement or other alteration of a dwelling house is permitted development, subject to the limitations set out in paragraphs A.1 and A.2. Paragraph A.2 relates to dwellings on Article 2(3) land and is not relevant in this case.
 4. The Council has refused approval on the basis that due to its width the proposed conservatory would not comply with the conditions, limitations or restrictions applicable to development permitted by paragraph A.1(j) of the GPDO as required by paragraph A.4(3)(a).
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5. The proposal is made on the basis that until 30 May 2019, single storey enlargements, which would extend beyond the rear wall of the original dwelling house by up to 8m if a detached house, or by more than 6m in any other case, would constitute permitted development under the criteria in paragraph A.1(g). Although the proposal would comply with paragraph A.1(g), in order to be permitted development a proposal must also comply with paragraphs A.1(a) to A.1(k). For the purposes of the GPDO the 'original dwelling house' is the dwelling as it existed on 1 July 1948. As explained in the *Permitted Development for Householders Technical Guidance* (April 2016), the side elevation to the rearmost part of the original dwelling constitutes a 'side wall' for the purposes of interpreting paragraph A.1(j)(iii). This states that development is not permitted if "*the enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house, and would ... have a width greater than half the width of the original dwelling house*".
6. Although the appeal property has a uniform rear building line, it is evident that the original dwelling had a stepped rear and side elevation. Indeed, this is acknowledged by the appellant in his description of the proposal. The proposed conservatory would extend beyond the side wall of the original dwelling and would occupy more than half the width of the original dwelling. Consequently, the proposed conservatory would not be permitted development.
7. I note that the appellant has a need for additional ground floor accommodation due to his family circumstances. However, permitted development rights fall to be assessed against the criteria within the GPDO and are therefore determined on the facts of the case and not the merits of the proposal. Proposals that do not come within the scope of permitted development will need to be the subject of a planning application and it will be a matter for the local planning authority to determine whether a proposal is acceptable having regard to the provisions of the local development plan and other material considerations.
8. The appellant refers to a number of other conservatories and extensions close by which he considers to be comparable to, or greater in size, than his proposal. On the basis of the available evidence it is unclear whether these were constructed by virtue of permitted development or were the subject of planning applications. In order to be permitted development the proposal must comply with the limitations of the GPDO. For the reasons given above the proposed conservatory would fail to do so. Therefore these other extensions do not alter my conclusion above.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR