
Appeal Decision

Site visit made on 2 May 2017

by Paul Dignan MSc PhD

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

Decision date: 25 May 2017

Appeal Ref: APP/F0114/X/16/3166173

14 Woodland Grove, Claverton Down, Bath, BA2 7AT

- 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 William Allen against the decision of Bath & North East Somerset Council.
 - The application Ref 16/04246/CLPU, registered on 1 September 2016, was refused by notice dated 2 November 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 Erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I was late for the scheduled site visit, the Council officer attending had left and I was not given access to the rear of the property by builders who were working at the front. However, I am satisfied that another visit is not required.

Reasons

3. The issue for consideration is whether the proposal would be permitted development under the Town and Country Planning (General Permitted Development) Order 2015 as amended (the GPDO).
 4. Class A of Part 1 to Schedule 2 of the GPDO applies to the enlargement, improvement or other alteration of dwellinghouses. Such development is permitted by Class A provided it is not precluded by the limitations set out in paragraphs A.1 and A.2 and complies with the conditions set out in paragraphs A.3 and A.4. Paragraph A.2(a) provides that, on article 2(3) land, which includes conservation areas and World Heritage Sites, development is not permitted by Class A if it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles.
 5. The appeal site is a detached dwelling that is located within the City of Bath World Heritage Site, and the application plans in this case indicate that the external elevations of the proposed new extension would be finished in a combination of timber cladding and reconstituted stone. Both of these
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materials are precluded in World Heritage Sites, in GPDO terms, by virtue of the paragraph A.2(a) limitation. It was on this basis that the Council refused to issue a lawful development certificate.

6. The exterior elevations of the dwellinghouse are reconstituted stone and timber cladding. Any external finish that was not of similar appearance would be excluded from permitted development by virtue of GPDO paragraph A.3(a), which makes development permitted by Class A subject to a condition requiring the use of similar materials to those used in the construction of the exterior of the existing dwellinghouse. Clearly this creates difficulty, and in many cases can preclude Class A extensions altogether for some properties in designated areas. However, the argument put forward by the appellant that this cannot have been intentional is simply not tenable. The GPDO has been the subject of amendment and replacement over many years, and the relevant limitation and condition have stood the test of time. The wording of paragraph A.2(a) is clear and unequivocal, it is not open to interpretation, the proposed extension cannot be granted planning permission by the GPDO and the planning merits of the proposed development are simply not relevant.
7. Accordingly, for the reasons given above, I conclude that the proposed development would not be permitted by the GPDO. It follows that the Council's refusal to grant a lawful development certificate for *Erection of a single storey rear extension* was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me under section 195(3) of the 1990 Act as amended.

Paul Dignan

INSPECTOR