



Appeal Decision

Site visit made on 8 August 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 7th September 2017

Appeal Ref: APP/Z4718/D/17/3175899

5 Thorncliffe Estate, Batley, WF17 7BG

- 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 G Rasul against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/91234, dated 7 April 2017, was refused by notice dated 24 April 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

3. The GPDO enables the enlargement, improvement or other alteration of a dwellinghouse, provided certain criteria are met. Until 30th May 2019, provisions exist under Schedule 2, Part 1, Paragraph A.1 (g) of the GPDO for the construction of a larger single storey rear extension of up to 6 metres in depth for a semi-detached or terraced property.
4. Paragraph A.1.(j) states that development is not permitted by Class A if "*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*".
5. In this case, the proposed extension would extend across the full width of the property. In addition, the Council has provided evidence indicating that the original dwelling had a small single storey rear projection that was set in from the main side elevation. Some of the neighbouring properties retain this feature, which appears to be original. This is not disputed by the appellant. Whilst the original single storey rear projection to No 5 has since been replaced, it comprised part of the original dwelling. The proposed extension

would therefore clearly "*extend beyond a wall forming a side elevation of the original dwellinghouse*", for the purposes of Paragraph A.1.(j).

6. Accordingly, I conclude that the development would not meet the requirements of the 2015 GPDO for it to be considered as permitted development under Schedule 2, Part 1, Class A of the Order.

Conclusion

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

Thomas Hatfield

INSPECTOR