
Appeal Decision

Site visit made on 23 July 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Appeal Ref: APP/C1570/D/19/3220167

Luss Cottage, Braintree Road, Great Dunmow, Essex CM6 1HT

- 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 (the 'GPDO').
 - The appeal is made by Mr Nicholas Hougham against the decision of Uttlesford District Council.
 - The application Ref UTT/18/2730/PDE, dated 19 September 2018, was refused by notice dated 1 November 2018.
 - The development proposed is a large single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for costs

3. An application for costs was made by Mr Nicholas Hougham against Uttlesford District Council. This application is the subject of a separate Decision.

Procedural Matters

4. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the GPDO. The Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Paragraph A.4(4) states that where a local planning authority refuses an application under subparagraph (3) that can be treated as a refusal of prior approval.
5. Since the time of the Council's decision the GPDO has been amended and the time limits previously stated within A.1(g) have now been removed.

Main Issue

6. Having regard to the above, the main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

7. The appeal property is a detached dwelling. The appellant states that there is an existing two storey rear extension at the property which measures 3 metres in depth. The proposal seeks to erect a single storey rear extension joined to that existing extension. The application form indicates that the proposal would measure 5 metres deep, with a maximum height of 3 metres and a maximum eaves height of 2.6 metres.
8. Paragraph A.1(g) sets out that, subject to the conditions in paragraph A.4, development is permitted if the enlarged part of the dwelling would have a single storey, would extend beyond the rear wall of the original dwellinghouse by 8 metres and would exceed 4 metres in height. Paragraph A.1(ja) states that "any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)" would not be permitted development. Therefore, it is the proposed extension and the existing extension to which it would be joined which must, together, accord with the limits in paragraphs A.1(e) to (j). This includes the requirement that the enlarged part of the dwelling cannot have more than one storey. As stated above, it is not disputed between the parties that the existing rear extension has two storeys. Consequently, the development would fail to accord with paragraph A.1(g).
9. I conclude that the proposed development would fail to comply with Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR