
Appeal Decision

Site visit made on 9 July 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/J0350/D/19/3229950

12 Seacourt Road, Slough SL3 8EW

- 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 R Jaffery against the decision of Slough Borough Council.
 - The application Ref Y/07455/001, dated 26 February 2019, was refused by notice dated 8 April 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed, and prior approval is not required under Schedule 2, Part 1, Class A Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') for a single storey rear extension at 12 Seacourt Road, Slough SL3 8EW in accordance with the application Ref Y/07455/001, dated 26 February 2019 and the details submitted with it, including drawing no PL/12SA/01 Rev A, pursuant to Schedule 2, Part 1, Paragraph A.4(2) of the GPDO.

Appeal Procedure

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

Procedural Matters

3. The neighbours at 14, Seacourt Road, 10, Seacourt Road, 57 and 59, Parlaunt Road, Slough were consulted on the application and no objections were received.
4. Since the time of the Council's decision the GPDO has been amended such that the requirement to construct an extension, such as that proposed, before 30 May 2019 has now been removed.

Main Issues

5. The main issues are:

- whether the development would be 'permitted development' (PD), under clause (ja) of Class A, Part 1 of the GPDO and
- if the proposal is PD under the provisions of the GPDO, whether prior approval should be granted.

Reasons for the Recommendation

Permitted Development

6. Clause (ja) of Class A, Part 1 of Schedule 2 of the GPDO states that development is not permitted if "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)". Sub-paragraph (j)(iii) confirms that where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse, development is not permitted.
7. The Council, in their 'Prior Notification Report', provide details of a planning permission granted on 1 May 1987 for a single storey side extension (the 1987 extension) at the appeal property. My site visit confirmed that this extension, or a building of a similar size and layout, has been erected at the appeal site in the location shown on the plans approved by the Council in 1987. Furthermore, comparison with neighbouring properties of a similar design did not reveal comparable buildings. This leads me to conclude that the appeal property has been extended beyond a wall forming a side elevation of the original dwellinghouse.
8. If the 1987 extension remained in place, the proposal would join onto it and therefore the total enlargement of the house would comprise the proposed extension and the existing side elevation. Therefore, as a whole, the enlarged part of the house would extend beyond a side wall of the original dwelling and the total width of the extensions, measured at their widest point, would be more than half the width of the original house. As such it would not be PD.
9. However, if the rear part of the 1987 extension was demolished, as proposed on the appeal plans, (and which could occur under the Town and Country Planning (Demolition – Description of Buildings) Direction 2014), the appeal proposal would not be joined to the remaining part of the existing single storey extension. On its own, the appeal proposal would not extend beyond a side wall of the original dwelling, and therefore sub-paragraph (j) would not apply. The subsequent development would, however, be required, under paragraph (g), to meet the conditions set out in paragraph A.4. to be able to constitute PD for the purposes of the GPDO.
10. I accept that there is no mechanism to ensure the demolition shown on the plans occurs. However, if the proposed development did take place without the demolition of the rear part of the 1987 extension, the development would not

be in accordance with the approved plans and there would be conflict with Clause (ja) of Class A, Part 1 of Schedule 2 of the GPDO. The subsequent development would not be PD and would be at risk of enforcement action.

Prior approval

11. On the basis that the Council have carried out the correct consultation and no objections have been received, I need not consider the impact of the proposal on the amenity of adjoining occupiers.

Conclusion and Recommendation

12. For the reasons given above I conclude that the appeal should be allowed, and prior approval is not required.

J. Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, and prior approval is not required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Andrew Owen

INSPECTOR