



Appeal Decision

Site visit made on 5 November 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/U4610/D/19/3237897

117 Blackberry Lane, Wyken, Coventry CV2 3JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mukhtar Mattu against the decision of Coventry City Council.
 - The application Ref: PA/2019/1608, dated 18 June 2019, was refused by notice dated 30 July 2019.
 - The development proposed is described on the application form as single storey rear extension.
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Decision

1. The appeal is dismissed.

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.

Main Issue

3. Whether the proposed development would be permitted under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(or any Order revoking and re-enacting that Order) (GPDO).

Reasons for the Recommendation

4. The proposed extension would be located to the rear of the dwelling and would extend 6 metres from the rear of the dwelling with a height of 4 metres and 2.7 metres to the eaves. A single storey side and rear extension has already been constructed and the proposed development, which would extend the full width of the original dwellinghouse, would link with the existing extension. The appellant has not made the case that the side and rear extension was part of the original dwellinghouse and I shall proceed on the basis that it is not part of the original dwellinghouse.
5. Subsection J of Class A of the GPDO notes that where the enlarged part of the original dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, it should not have a width greater than half the width of the original dwellinghouse. The proposed extension would connect to the existing side and rear extension and the combined footprint of the previous

extension and the proposed development would form a 'wrap around' extension which projects to the side and rear of the dwelling. Where a proposed extension would link to an existing extension the 'enlarged part of the dwellinghouse' should be taken to mean the whole structure, including the existing and proposed extensions, in accordance with subsection JA of Class A.

6. In this case, the rear extension would connect to the existing side and rear extension to wrap around the dwellinghouse and the restrictions of subsection J of Class A to Part 1 of Schedule apply. In such cases, the entire width of the extension needs to be considered¹. The width in this case would clearly be greater than half the width of the original dwellinghouse and the proposal would fail to comply with the limitations of subsection J, such that it would not benefit from permitted development rights granted by the GPDO.

Other Matters

7. The appellant notes that the Council granted prior approval in 2018 for a similar scheme. I do not have the full details or plans of that proposal before me but it would appear that the dimensions were identical to the proposal in the current appeal. Thus, on the face of the information before me, the two decisions of the Council appear to be inconsistent with each other. However, the main issue in relation to the appeal is whether the proposal would be permitted development, having regard to the terms of the GPDO. I am required to assess the proposal against the very specific criteria of the relevant section of the GPDO and have found that the proposal would fall outside the scope of permitted development rights for the reasons given above. The fact that the Council has previously granted prior approval for a similar scheme does not alter my conclusion that the present proposal would not amount to permitted development.
8. The appellant has referred to compliance with planning policy. However, an application relating to the GPDO is not a planning application and the question of compliance with planning policy is not relevant to the determination which must be made in accordance with the GPDO. Any decision makes no comment on the planning merits of the proposal and it would be open to the appellant to apply for planning permission to the Council if he wanted the merits of the scheme to be considered.

Conclusion and Recommendation

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

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston INSPECTOR

¹ As depicted in the diagram on page 28 of the Government publication "Permitted Development Rights for Householders: Technical Guidance" (April 2017).