



Appeal Decision

Site visit made on 30 December 2019

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/Z0116/X/19/3232399

22 Julian Road, Sneyd Park, Bristol BS9 1LB

- 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 Mr and Mrs Kingham against the decision of Bristol City Council.
 - The application Ref 19/00976/CP, dated 25 February 2019, was refused by notice dated 1 May 2019.
 - 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 a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When I arrived at the appointed time for my site visit, neither the appellant nor an agent were present but I could see that access was possible along the side of the dwelling, in order to reach the rear of the site. I explained the situation to the Council's representative who then left me alone to carry out my appraisal which I therefore did unaccompanied.
3. The Council's decision states that the development would not be permitted development because it would not comply with Article 3, Schedule 2, Part 1, Class A and Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Class A relates to "the enlargement, improvement or other alteration of a dwellinghouse". Class G relates to "The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse". However, the Council officer report that lead to the decision indicated that the replacement of the existing soil and vent pipe is found to comply with Class G. That would appear to me to be the correct analysis and I will therefore deal with the disputed matters regarding Class A.

Reasons

4. The proposal would involve the removal of a rear structure which is connected to the dwellinghouse and which protrudes from the back elevation at ground floor level. This structure provides a shelter across the rear door as well as being a storage space. It is constructed of brickwork walls at one end and for

part of one side but has an open entrance without a door. Timber panels have been slotted inside part of the structure to cover one end and part of one side. This is structurally supported by poles as well as the walls. The proposal would involve the removal of this and creation of a single-storey extension across much of the width of the dwellinghouse.

5. There is no dispute that the existing rear structure was constructed originally at the same time as the dwellinghouse. The appellant considers however that it does not form part of the dwellinghouse. The structure is tied to the rear wall of the dwellinghouse and is roofed with what looked like a small cupboard in the enclosed end. It is a covered entrance to the house. It has not involved installation of "plant or machinery" and it is not a "gate, fence, wall or other means of enclosure". The structure may not count towards calculation of the internal floor area for some purposes, but it is in my view a "building" as defined in Article 2 of the GPDO. Furthermore, as a matter of fact and degree it is integral to and therefore a part of the dwellinghouse.
6. I am referred to Technical Guidance¹ (the guidance) that has been produced with the aim of helping homeowners understand how they can exercise their rights to carry out development under the provisions of the GPDO. This includes an illustrated example that is similar to the current proposal where side walls are shown as being any wall that cannot be identified as a front or rear wall. The proposal would extend beyond the wall forming a side elevation of the rearward part of the original dwellinghouse. The site is within a Conservation Area, as referred to in Article 2(3) of the GPDO, and the proposal exceeds the limitation of Class A, paragraph A.2 relating to land with that designation.
7. It has been held that it is necessary to interpret the words of the GPDO in their ordinary meaning and not to read other things into them that are not included. The appellant points out that the relevant part of the existing dwelling would be demolished to make way for the proposed extension. However, paragraph A.2 of the GPDO refers to the original rather than the existing side wall of the dwellinghouse. Even though that wall would be removed, the extension would still extend beyond it.

Conclusion

8. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a single storey rear extension, was well founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

A Harwood

INSPECTOR

¹ Department for Communities and Local Government, Permitted development rights for householders, Technical Guidance