



Appeal Decision

Site visit made on 28 January 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/C1950/D/19/3239398

61 Wellfield Road, Hatfield, Herts, AL10 0BY

- 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 Mrs H Bowey against the decision of Welwyn Hatfield Borough Council.
 - The application Ref: 6/2019/1617/PN8 dated 1 July 2019, was refused by notice dated 16 August 2019.
 - The development proposed is described as a 'single-storey rear extension'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs H Bowey against Welwyn Hatfield Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), with particular regard to the limitations set out in paragraph A.1 and the requirement to provide the addresses of any adjoining premises under paragraph A.4(2)(c).

Reasons

4. Paragraph A.1 of the GPDO sets out limitations on the size of extensions within which proposals must fall to benefit from the deemed permission under Article 3(1) and Schedule 2, Part 1, Class A. Paragraphs A.1(f) and A.1(g) set out the limitations for single-storey extensions beyond the rear wall of the original dwelling/house and paragraph A.1(j) sets out the limitations for extensions beyond a wall forming a side elevation of the original dwelling/house.
5. The appellant contends that the proposed development is an extension to the rear of the appeal property and so focuses on paragraph A.1(g). The appellant rightly explains that the existing conservatory to the rear of the appeal property does not form part of the original dwelling for the purposes of the

- GPDO. The proposed extension would not extend beyond the main side elevation of the original dwelling.
6. However, from the background correspondence between the parties submitted with the appellant's appeal statement, it is clear that the Council considers the proposal to constitute an extension beyond a side wall of the property. This position is based on the rear elevation of the property being stepped, with part being set back from the remainder of the rear elevation. The email from Mr Myers to Mr Simpson of 10 September 2019 confirms that the Council considers that it is the stepped rear elevation of the dwelling that creates a side elevation, not the conservatory.
 7. The stepping of the rear elevation is shown on drawing 2825/2 submitted with the application and I observed during my site visit that it is a clear feature of the original dwelling. The wall of the set-back faces the adjacent property. I acknowledge that this set-back is shallow and does not form the main side elevation of the dwelling but I find that, as a matter of fact and degree, it is a wall forming a side elevation of the original dwelling/house for the purposes of the GPDO.
 8. The proposed extension would extend beyond this wall and therefore falls to be considered against the limitations set out in paragraph A.1(j) of the GPDO. Notwithstanding that the proposed extension would comply with the limitations set out in paragraph A.1(g), the construction of paragraph A.1 is such that development is not permitted by Class A if it fails to meet any of the clauses (a) – (k). As the extension would have a width greater than half the width of the original dwelling/house it would exceed the limitation on the width set out in clause (iii) of paragraph A.1(j). Therefore, the appeal proposal is not permitted development and an application for planning permission is required.
 9. Paragraph A.4(2) of the GPDO sets out the information a developer must provide for development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), including the addresses of any adjoining premises. Given my conclusion above that the proposal fails to be considered under paragraph A.1(j), this requirement for information does not apply.
 10. Even if it did, from the evidence before me, although the original list of addresses provided by the appellant with the application for prior approval was incomplete, a revised list was subsequently provided by the appellant at the request of the Council. Therefore, had the proposal fallen to be considered under paragraph A.1(g) of the GPDO, the appellant complied with the requirement of paragraph A.4(2)(c) to provide this information.

Conclusion

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

Martin Small

INSPECTOR