
Appeal Decision

Site visit made on 11 February 2020

by Tim Belcher FCII, LLB(Hons), Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 4 March 2020

Appeal Ref: APP/T0355/W/18/3206938

4a Horton Road, Datchet, Slough, SL3 9ER

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") against a refusal to grant approval of a proposed larger home extension under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.1(g).
 - The appeal is made by Shehzad Satter ("the Appellant") against the decision of the Council of the Royal Borough of Windsor and Maidenhead ("the Council").
 - The application Ref 18/01033, dated 6 April 2018, was refused by notice dated 21 May 2018.
 - The development proposed are ground floor rear extensions.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Appellant's Prior Approval application was for two rear extensions. The dimensions of those extensions are set out in the application form and by reference to a previous Prior Approval dated 19 January 2015.
3. There is an appeal made under Section 195 of the 1990 Act under reference APP/T0355/X/18/3211902 relating to 4a Horton Road, Datchet, Slough, SL3 9ER. This is the subject of a separate Appeal Decision.

Main Issue

4. I consider the main issue is whether the Appellant can benefit from the permitted development rights to extend his dwelling-house in the way proposed by his prior approval application.

Reasons

5. No. 4a is a detached dwelling-house for the purpose of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO").
6. Schedule 2 Part 1 Class A of the GPDO permits, amongst other things, the enlargement of a dwelling house.
7. Part A.1 of the GPDO explains that development is not permitted by Class A if, amongst other things, the enlarged part of the dwelling house would have a single storey that, amongst other things, extends beyond the rear wall of the

original dwelling house by more than 8 metres. The Appellant's proposal would not breach this limitation.

8. However, to benefit from these permitted development rights there are conditions imposed in the GPDO. Specified conditions apply to development permitted by Class A which the Appellant relies on. A.4(2) explains that **before** beginning the development the developer must provide specified information to the local planning authority. The Appellant provided the specified information, but this was **after** the development had begun.
9. For the reasons explained above I do not consider that the Appellant can benefit from the permitted development rights to extend his dwelling-house in the way proposed by the prior approval application and appeal because the application was made after the development had begun.

Other Matters

10. I am aware that the Council refused the application not only for the reason I have dealt with above but for other reasons. I do not have to consider those other reasons because the Prior Approval appeal cannot succeed for the reason explained.

Tim Belcher

Inspector