
Appeal Decision

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2020

Appeal Ref: APP/B1740/D/20/3247158
162 Salisbury Road, Totton SO40 3LQ

- 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, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Loftus against the decision of New Forest District Council.
 - The application Ref 20/10059, dated 20 January 2020, was refused by notice dated 14 February 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council were given an opportunity to provide comments on this approach and I have taken any responses into account.

Main Issue

3. The main issue raised is whether or not the proposal would be permitted development.

Reasons

4. The property on which the proposed extension would be constructed has a stepped rear elevation and as a result there is a short wall, perpendicular to the rear walls. The appellant contends that only the rear walls are being extended. However, the Permitted development rights for householders – Technical Guidance (the technical guide) highlights that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall, as well as that a house will often have more than two side elevation walls. This short section of wall, notwithstanding its small length, is not directly opposite the front elevation of the property and in this light, comprises a wall forming a side elevation.

5. I note that the appellant refers to a part of the technical guide under the heading "Side wall extensions extending beyond rear walls" and points out that it is stated that an extension on a side wall that extends beyond a rear wall, *but is not* attached to it, will be subject to the restrictions that apply to rear walls as well as those on side walls. In highlighting this wording, the appellant appears to accept that the proposal comprises, at least in part, a side wall extension. The appellant asserts that given the reference to "but is not attached to the rear wall", that where the extension is attached, that the stated restrictions that apply to side walls cannot apply. I do not accept this position.
6. The sentence quoted appears in the technical guidance under the specific heading "Side wall extensions extending beyond rear walls" and thus applies only to side wall extensions. In the case before me, the extension is a rear and a side extension, given that it would encompass both rear and side walls. In addition, the technical guide, in providing guidance on the limitation imposed by paragraph A.1.(j) states that where an extension is beyond any side wall the restriction in (j) will apply. Furthermore, there is a separate section of the technical guide titled "Rear and side extensions". This section is clear that where an extension fills the area between a side elevation and a rear wall, which the proposal would, that the restrictions on extensions beyond rear walls and side walls will both apply.
7. I have found that the short wall is a wall comprising a side elevation, that the proposed extension would fill the area between a side elevation and rear wall, as well as extending beyond the rear elevation. As such, the limitation imposed by paragraph A.1.(j), that the enlarged part of the dwelling must not have a width greater than half the width of the original dwelling, is applicable. Given that the proposed extension as a whole would extend across almost the full width of the dwelling, it would not comply with this limitation. Consequently, I find that the proposed extension is not permitted development under the above Order.
8. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR