
Appeal Decision

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th May 2020

Appeal Ref: APP/B0230/W/20/3247429
25 Beechwood Road, Luton LU4 8RR

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr M A Majid against the decision of Luton Council.
 - The application Ref 19/01561/RES dated 21 November 2019, was refused by notice dated 3 December 2019.
 - The development proposed is construction of a larger 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 have agreed to the appeal proceeding on this basis.

Main Issue

3. Whether or not the proposed extension is permitted under the above Order.

Reasons

4. Development is not permitted by Schedule 2, Part 1, Class A of the above Order if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.
5. The proposed extension would extend beyond a wall forming a side elevation of the original dwelling. I accept that the original side wall, formed by the existing toilet addition, is to be demolished. However, this addition is part of the original dwelling house and "Original" in relation to a building is defined in the GPDO as that which existed on 1 July 1948 or if built after that date, as so built. Even though the toilet addition is not shown on the submitted plans and is to be demolished it is treated as existing for the purposes of the requirement of Class A.1 (j).
6. Paragraph A.1(j) excludes the enlarged part from being permitted if it extends beyond a wall forming a side elevation of the original dwellinghouse and would

have a width greater than half the width of the original dwelling. The extension extends to the full width of the house and therefore would not comply.

7. I therefore conclude that the proposed extension is not permitted under the above Order. As the proposal does not constitute permitted development, I have no need to consider the amenity of the neighbours or to consider planning policy.
8. For the reasons given, the appeal is dismissed.

G. Pannell

INSPECTOR