
Appeal Decision

Recommendation by John Gunn DipTP Dip DBE MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/Q4625/D/19/3243423
270 Ralph Road, Shirley, Solihull B90 3LF

- 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 Robert Freeman against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02288/PNH, dated 30 August 2019, was refused by notice dated 3 October 2019.
 - The development proposed is removal of existing conservatory and replace with a single storey rear extension with roof lantern.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. A recommendation by an Appeals Planning Officer is set out below, to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. 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, supplemented by additional evidence supplied by the appellant and confirmed as being accurate by the Council. Both the appellant and the Council have agreed to the appeal proceeding on this basis.
4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

5. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted (PD), under Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

6. The appeal property is a semi-detached dwelling. It has an existing two storey side extension and a part single/part two storey rear extension to which the proposal would be joined.
7. Development is not permitted by sub paragraph (g) of Schedule 2, Part 1, Class A of the above Order if the enlarged part of the dwellinghouse would extend beyond the rear wall of the original house by more than 6 metres or would be higher than 4 metres. In addition, paragraph (ja) states that where a new extension is joined to an existing extension, the limits set out in sub paragraphs (e) – (j) apply to the size of the total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined).
8. Although it is acknowledged that the proposal would not extend beyond the rear wall of the original house by more than 6 metres, and would not itself exceed 4 metres in height, when taken alongside the two storey rear extension it would be joined to, the total enlargement would exceed 4 metres in height. Consequently, the proposed development would not be 'permitted development' under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
9. As the proposal does not constitute 'permitted development' I have no need to consider the amenity of the neighbours, although I recognise no objection was raised by them, or to consider planning policy.

Conclusion and Recommendation

10. For the reasons given above I conclude that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted under Schedule 2, Part 1, Class A of the GPDO and so recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR