
Appeal Decision

Site visit made on 20 July 2020

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 27 July 2020

Appeal Ref: APP/Q1255/D/20/3247045

50 Recreation Road, Poole, Dorset, BH12 2EB

- 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 Mr David Lenton against the decision of Poole Council.
 - The application Ref GPDO/19/00021/GPD, dated 16 October 2019, was refused by notice dated 27 November 2019.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made by Mr David Lenton but the appeal form was signed and submitted by Mr Keith Lenton, who I understand to be David Lenton's brother. As the name of the person making the appeal must appear as an applicant on the application form, I have determined this appeal as if it had been made by Mr David Lenton, the original applicant.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the GPDO') as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.
4. I have also had regard to the fact that evidence before me indicates that on 25 and 26 November the Council was informed by a neighbour that some work had commenced on the extension. This amounted to part of the rear garden having been excavated over the extent of the footprint of the proposed extension, and with trenches having been excavated along the length of the side elevation adjacent to 52 Recreation Road and also along the centre line across the width of the proposed extension, with concrete having been poured into these trenches.

Reasons

5. The appeal property is a hipped-roof detached bungalow located on the southern side of Recreation Road, within a row of broadly similar bungalows, some of which have been extended. 52 Recreation Road is sited to the east, beyond a gated pedestrian access to a school, whilst No 48 lies to the west. This latter property has

a rear, gable-ended extension, with the Council indicating that prior approval had been granted for a single-storey rear extension to No 48 to extend beyond the rear wall of the original dwelling by 7 metres (m), with a maximum height of 4m and an eaves height of 2.6m.

6. In somewhat similar fashion the appellant seeks to extend the appeal property with a single-storey rear extension which would extend beyond the rear wall of the existing dwelling by 8m, with an eaves height of 2.3m and a maximum height of 2.6m. The submitted plans are very basic and do not show any elevations of the proposed extension. However, the Council has referred to the proposal as being of a flat-roofed design and as no information to the contrary has been submitted by any party, I have assumed that this represents the appellant's intentions.
7. The appeal scheme was registered and made valid on 16 October 2019 and, following the necessary notifications, an objection letter was received on 7 November 2019 (dated 5 November), from the neighbours at No 48. The objection alleged that the proposed extension would take light from the living room window of this neighbouring property, and should therefore be made shorter in length. The Council undertook a site visit on 13 November 2019 to assess the likely impact on the living conditions of these neighbours, and concluded that no materially harmful impact would arise, and that the extension would comprise permitted development.
8. I acknowledge that the proposed extension would be about 1m longer than the extension at No 48. But having regard to its single-storey nature and flat-roofed design, along with the existing tall wooden-panel fencing along the common boundary, I share the Council's view that any impact on light reaching the living room windows of this neighbouring property would not be so severe as to be unacceptable. I further agree that the proposed extension would therefore constitute permitted development.
9. However, Schedule 2, Part 1, Class A, Part A.4(10) of the GPDO makes it clear that development must not begin before the occurrence of one of the following:
 - (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
 - (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
 - (c) the expiry of 42 days following the date on which the application for prior approval was received by the local planning authority, without the local planning authority notifying the developer as to whether prior approval is given or refused.
10. In this case the expiration of 42 days from the receipt by the Council of the prior approval application would have been 27 November 2019, but the evidence before me, as detailed in paragraph 4 above, indicates that work had commenced on the development a day or two prior to that date. In this regard I have noted the appellant's assertion that the works concerned were in association with the clearance of a shed which was originally located at the rear of No 50, but it seems to me that the works undertaken went far beyond a simple shed clearance.
11. In these circumstances, as identified by the Council, the provisions of Part A.4(10) of the GPDO, set out above, have not been complied with. Prior approval for the proposed extension cannot therefore lawfully be given. If the appellant wishes to continue to pursue the construction of this extension, for which development has

already commenced, an application for planning permission will need to be submitted.

12. For the reasons given above, and having had regard to all other matters raised, I conclude that this appeal should therefore be dismissed.

David Wildsmith

INSPECTOR