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## Appeal Decision

Site visit made on 1 September 2020

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 September 2020**

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**Appeal Ref: APP/U4610/D/20/3252097**

**57 Hartington Crescent, Earlsdon, Coventry CV5 6FU**

- 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 Ben Colvin against the decision of Coventry City Council.
  - The application Ref PA/2019/3118, dated 7 December 2019, was refused by notice dated 5 March 2020.
  - The development proposed is single storey flat roofed rear extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) grants planning permission for certain classes of development, described as permitted development. To amount to permitted development, it is necessary for proposals to accord fully with the limitations relevant to the development concerned, as set out in the Order.

### Main Issue

3. Having regard to the Council's reason for refusal, the main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

### Reasons

4. Schedule 2, Part 1, Class A of the GPDO grants planning permission, subject to various criteria, for the enlargement, improvement or other alteration of a dwellinghouse. This includes Paragraph A.1(j)(iii) which states that development is not permitted 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. Despite being less than 4m in height and 6m in depth, the proposed single-storey rear extension would extend along and beyond an existing two-storey element which projects from part of the rear elevation of the appeal property.

6. The 'Permitted development rights for householders - Technical Guidance' (September 2019) at page 22, states 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. Houses will often have more than two side elevation walls'. A visual example is also provided to illustrate walls forming a side elevation. Based on this, the evidence before me and my visit, the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse. Furthermore, on the basis of the available information a section of the proposed extension which would extend beyond the rear of the existing two-storey projection would have a width greater than half the width of the original dwellinghouse.
7. Accordingly, for the above reasons, the proposed extension would not meet the limitations of Paragraph A.1(j)(iii). As such and irrespective of the lack of objections from neighbours to the proposal, the proposed development cannot be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

### **Conclusion**

8. For the reasons given above, I conclude that the appeal should be dismissed.

*M Aqbal*  
INSPECTOR