



Appeal Decision

Site visit made on 16 September 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/W4705/D/20/3253957

7 Royal Close, Bradford BD7 4RY

- 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 (as amended).
 - The appeal is made by Mr Ammaran Razaq against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/00575/PNH, dated 11 February 2020, was refused by notice dated 20 March 2020.
 - The development proposed is described as "single storey rear extension".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted, having regard to Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

3. Permitted development rights are a national grant of planning permission which allow certain building works to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity.
4. Schedule 2, Part 1, Class A of the GPDO states that the enlargement, improvement or other alteration of a dwellinghouse is permitted development. Paragraph A.1 sets out the relevant exceptions and limitations of the permitted development right.
5. Permitted development rights can be removed by the local planning authority by means of a condition on a planning permission. The restrictions imposed will vary on a case by case basis and the specific wording of such conditions.
6. The appeal property was granted planning permission¹ subject to a number of conditions. Condition 24 of this permission¹ removes permitted development rights for development falling within Schedule 2, Part 1, Class A of the GPDO. This condition was imposed in the interests of visual amenity and private residential amenity.

¹ Local Planning Reference: 97/03653/FUL

7. As permitted development rights have been removed from the appeal property, the proposed development cannot comply with the conditions, limitations and restrictions applicable to development permitted under Class A of Schedule 2, Part 1 of the GPDO.
8. I have had regards to the appellants statement of case and other developments in the area including schemes at 8 and 19 Lynch Avenue. However, insufficient information has been provided in respect of these cases and so cannot be sure that they represent a direct parallel to the appeal proposal, particularly with regards to location and whether these properties have had permitted development rights removed. In any case, I have determined the appeal on its own merits. I recognise that the appellant had checked for similar developments in the area however, this matter does not alter my findings above.

Conclusion

9. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR