



Appeal Decision

Site visit made on 14 October 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2020

Appeal Ref: APP/Q4245/D/20/3257282

73 Ashley Road, Altrincham WA14 2LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr & Mrs N Heselwood against the decision of Trafford Borough Council.
 - The application Ref 100533/PAH/20, dated 20 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is described as a prior approval application for the erection of a single storey rear extension with a maximum projection of 7.2 metres beyond the original rear wall and a maximum height of 3.7 metres.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development by virtue of Class A of Part of 1 of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) (GPDO).

Reasons

3. There is no dispute between the parties that the proposal would meet all of the permitted development requirements in A.1. of Class A of the GPDO apart from A.1.(j) which states that "*the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would— (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse*".
4. The appellant accepts that if the existing rear extension was not removed, the proposal would not be permitted development in so far that it 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. Whilst the proposal includes the demolition of the existing rear extension, which according to the appellant includes a '*small part of the original house*', the limitations to permitted development are based on the original dwellinghouse and apply even if part of the original is to be removed.
5. Indeed, The Government's Permitted development rights for householders - Technical Guidance 2019 defines "original" as a "*building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that*".

date". A similar definition exists in paragraph 2 (Interpretation) (1) of the GPDO. In this case, the evidence indicates that the proposal would therefore extend beyond the line of an original side elevation and the width of the extension would be over half the width of the original dwellinghouse. Even if that side elevation was previously demolished, or in this case would be demolished as part of the proposed development, the restrictions in A.1.(j) of Class A still apply.

6. As the proposal is not therefore permitted development by virtue of the restrictions in A.1. (j) of Class A of the GPDO, it has not been necessary for me to consider the appellant's planning obligation.

Conclusion

7. For the reasons outlined above, I conclude that the proposal would not be permitted development. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR