



Appeal Decision

Site visit made on 20 October 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/T4210/D/20/3256585

52 Kenmore Road, Whitefield M45 8FS

- 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.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Nic Kyle against the decision of Bury Metropolitan Borough Council.
 - The application Ref 65460, dated 29 April 2020, was refused by notice dated 10 June 2020.
 - The development is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application submitted to the Council noted only the dimensions of the extension for which approval was sought; namely that it would project 3.5m from the rear wall of the dwelling and have a maximum roof height of 3m with matching eaves height thereby indicating a flat roof. No plans of the extension accompanied the application.
3. Following the determination of the application by the Council the appellant has submitted plans of a single storey rear extension of different dimensions. These show a pitched roof and so are different to that which was originally applied for. It was also apparent on my site visit that this later revision for a single storey rear extension had been constructed on site.
4. The appeal process should not be used to evolve proposals. Having regard to the Wheatcroft Principles, the nature of the revision proposed, and in the interests of fairness, I have determined the appeal on the basis of the details that were before the Council when it made its decision and on which all parties were consulted. I shall, however, return to the matter of the erected extension on site in my decision below.

Main Issue

5. The main issue is whether or not the proposal is permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Class A) having regard to the conditions, limitations and restrictions applicable to development permitted by that Class.

Reasons

6. A single storey extension to a semi-detached dwelling projecting more than 3m is restricted by paragraph A.1(f) but permitted by paragraph A.1(g) subject to the conditions set out in Paragraph A.4 of Class A. These require that the applicant must provide information to the local planning authority and to include a plan showing the proposed development.
7. No plan showing the development originally applied for has been provided. I therefore have insufficient information on which to determine whether the proposal meets the limitations and restrictions of Class A. The application therefore fails to meet a condition of Class A. Consequently, the appeal cannot succeed.

Other Matter

8. The plans submitted with the appeal reflect an extension that has been substantially, if not entirely, completed at the rear of No 52. Even if I were to take these revised plans into consideration in this appeal it is an established principle¹ that prior approval cannot be granted for development that has already begun, whether or not it is wholly or partially completed. It is, however, open to the appellant to seek to regularise the development that has taken place through an application for planning permission.

Conclusion

9. For the reasons given the appeal is dismissed.

R Hitchcock

INSPECTOR

¹ *Winters v SSCLG & Havering LBC* [2017] EWHC 357 (Admin)