



Appeal Decision

Site visit made on 11 November 2020

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020.

Appeal Ref: APP/B1930/D/20/3260049

10 Chiswell Green Lane, St Albans AL2 3AN

- 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 Mrs Sue Whitehouse against the decision of St Albans City & District Council.
 - The application Ref 5/20/1570, dated 10 July 2020, was refused by notice dated 21 August 2020.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the extension proposed amounts to permitted development, taking into account the restrictions imposed by Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the Regulations).

Reasons

3. The appeal relates to a detached bungalow. The bungalow has been the subject of extensions to the rear. A lean-to has also been added to the side with a plastic sheeted roof which also projects beyond the rear elevation of the original dwelling. Irrespective of the fact that the lean-to has no heating, no windows, no insulation and no rear wall, this structure is also classed as an extension in planning terms.
4. The proposal seeks to remove an existing conservatory to the rear and replace it with a brick built structure. The appellant asserts that the proposed extension falls within the provisions of permitted development because when considered alongside the existing additions, it would not project more than 8 metres from the rear elevation of the original dwelling.
5. However, the proposed extension would be added to existing extensions at the rear of the property which collectively span its full width. These extensions physically connect to the lean-to addition running along the side of the dwelling, even accounting for a small section which would be removed as part of the proposed development.

6. Class A of the Regulations relates to the enlargement, improvement or other alteration of a dwellinghouse. Class A1 (j)(iii) of the Regulations, as amended by The Town and Country Planning (General Permitted Development) (England) Order 2015, directs that development is not permitted by Class A if the enlarged part of the dwelling house 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.
7. The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 inserts sub-section (ja) to the Regulations directly after paragraph A.1(j). This states:
'any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)'.
8. The proposed extension when considered in isolation would not extend beyond the side elevation of the original dwelling. However, as the proposed extension and the existing extensions would all be physically connected, the Regulations dictate that they must be taken as a whole. Collectively, they would extend beyond a wall forming a side elevation of the original dwelling and their combined width would be greater than half the width of the original dwelling.
9. Accordingly, the proposal does not amount to permitted development and planning permission is required.
10. The appellant has referred to other similar extensions locally and argues that the proposal would retain the dwelling as a bungalow and would improve its thermal efficiency, it would not impact on the Green Belt, it would not reduce off-street parking and it would not impact on any trees. However, given the matter at hand is purely whether the proposal satisfies the criteria relating to permitted development, these points have no bearing on my decision.
11. Accordingly, the appeal does not succeed.

David Fitzsimon

INSPECTOR