



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/P1940/D/20/3258184

38 Dawes Lane, Sarratt WD3 6BB

- 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 J Sheward against the decision of Three Rivers District Council.
 - The application Ref 20/1382/PDE, dated 9 July 2020, was refused by notice dated 19 August 2020.
 - The development proposed is a single storey rear extension.
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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 semi-detached two storey dwelling. It has a single storey section to the side which is recessed slightly from both the main front and rear elevations of the dwelling. The Appellants assert that the single storey section is original to the property and the Council does not disagree.
4. The proposal seeks to add a single storey extension to the rear which would span the full width of the two storey and single storey sections of the host dwelling.
5. 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 dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would, amongst other requirements, have a width greater than half the width of the original dwellinghouse.
6. The proposed extension would extend beyond the main two storey side elevation of the host dwelling and would tie into the recessed single storey section to the side. The Technical Guidance issued by the Ministry of Housing,

Communities and Local Government in September 2019 explains that where an extension is beyond *any* side wall of the host dwellinghouse, the restrictions in (j) will apply. Specific examples are illustrated on page 22 of this document.

7. In this case, it is clear that the proposed addition would extend beyond the side wall of the two storey element of the dwellinghouse. Accordingly, as the width of the extension would be more than half the width of the original dwellinghouse (including the single storey section), planning permission is required.
8. I am mindful that the Appellants have referred to other nearby extensions, but my decision is based purely on the details of the application before me taking into account the Regulations referred to above.
9. Accordingly, the appeal does not succeed.

David Fitzsimon

INSPECTOR