



Appeal Decision

Site visit made on 20 October 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/J0350/D/20/3250114
545 Bath Road, Slough SL1 6AB

- 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.4 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended).
 - The appeal is made by Mr Geoff Lock against the decision of Slough Borough Council
 - The application Ref Y/17684/001, dated 10 September 2019, was refused by notice dated 3 February 2020.
 - The development proposed is ground floor rear extension and all associated works.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. A determination as to whether prior approval is required is sought in this matter for the erection of a single storey rear extension. The extension would extend 4.5 metres beyond the rear wall of the dwelling, would have a maximum height of 3.59 metres and eaves of 2.8 metres (these dimensions have been taken from the application form and are not disputed). I observed at my visit that the proposal has been commenced with the walls and roof structure in place.

Main Issue

4. I consider that the main issue in this appeal is whether or not the proposed development would comprise development permitted by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) (GPDO).

Reasons for the Recommendation

5. In cases where it is proposed to build an extension under Schedule 2, Part 1, Class A of the GPDO, following the partial demolition of the dwellinghouse, the part to be demolished should be considered as part of the original dwelling. The existing elevations and floor plans show a single storey flay roofed projection to the rear of the appeal dwelling. This element, which has now been removed,

appears to have been part of the original dwelling house and there is no evidence before me to suggest otherwise. The proposed extension must therefore be assessed on the basis that it would also extend beyond a wall forming a side elevation of the original dwellinghouse.

6. Schedule 2, Part 1, Class A, Paragraph A.1 (j) (iii) of the GPDO states that development is not permitted if the enlarged part of the dwellinghouse 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. As the proposed extension would extend across the entire width of the appeal dwelling, the proposal cannot benefit from permitted development.
7. In any event, the proposed development has already been commenced and prior approval cannot be granted for development that has already begun, whether or not it is wholly or partially completed. As such, even if the proposed extension were to qualify as permitted development, prior approval could no longer be granted for the proposal.

Conclusion and Recommendation

8. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR