



Appeal Decision

Site visit made on 26 January 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/K2230/D/20/3260738

59 St. Dunstan's Drive, Gravesend DA12 4BH

- 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 Graham Atlee against the decision of Gravesham Borough Council.
 - The application Ref 20200787, dated 10 August 2020, was refused by notice dated 17 September 2020.
 - The development proposed is described as 4.4m x 5.0m conservatory attached to the rear of the property with eaves height of approx 2.1m built on a dwarf wall. 5m x 6.0m single storey garage 3.9m high built more than 2m from property boundary. Rear access driveway levelled to form drive and parking area off the road.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of 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 GPDO) for a single storey rear extension with a depth of 5m, maximum height of 3.5m and eaves height of 2.1m, at 59 St. Dunstan's Drive, Gravesend DA12 4BH, in accordance with the application Ref 20200787, made on 10 August 2020, and the details submitted with it, and as indicated on the Block Plan 1:200 Ref No TQRQM20181132435313, being the version free of handwritten annotations, pursuant to Article 3(1) and Schedule 2, Part 1, Paragraph A.4(2).

Procedural Matters

2. For clarity, I have based the description of the proposed works in the formal decision above on that given in the Council's decision notice, repeated in the appeal form, as it omits the references to other works, which fall outside Class A, and which the appellant has confirmed were included in error.
3. The appellant submitted with the appeal a 'cleaned-up' block plan which shows the existing house and only the single storey rear extension described in the formal decision above, omitting other works shown on the block plan which was determined by the Council.

Main Issues

4. The Council notified each adjoining owner or occupier about the proposed development, to which it received no representations. Its concerns are first,
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that insufficient information was submitted to enable it to establish whether the proposed development complies with the limits in paragraph A.1(f) but allowed by paragraph A.1(g). And second, that the block plan submitted showed additional works not falling under Class A. Accordingly, the main issues are:

- whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO, with particular regard to whether the application included sufficient information; and,
- the effect of the works outside of Class A shown on the block plan.

Reasons

5. The appellant sets out clearly in his application form the footprint dimensions and heights of the single storey rear extension. His block plan shows its siting. He has submitted sufficient information to meet the requirements of paragraphs A.4(2)(a) and A.4(2)(b). From the evidence before me, and from my observations on-site, the single storey rear extension would fall within the limitations of Class A.1.
6. It is clear from the evidence that the proposed works outside Class A, indicated on the originally submitted block plan, in the application form, and in the illustrative materials, were included in the submission in error. The Council kindly sought to allow the appellant to amend the drawing, but in the event, it was unable to consider any revision before determining the application. In allowing the appeal, I am able to remove the risk of confusion about these non-Class A works by referring strictly to the works under Class A in the formal decision. In addition, I have incorporated a reference to the cleaned-up block plan. With these measures in place, I am satisfied that there is no risk of these other works being misunderstood as being included in this decision.

Conclusion

7. Having regard to all of the above, I conclude that the proposed development constitutes permitted development and prior approval is not required as paragraph A.4(7) is not engaged. The proposal satisfies the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A of the GPDO relevant to it. For the reasons given above, the appeal is allowed.

Patrick Whelan

INSPECTOR