

Appeal Decision

Site visit made on 25 November 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/M1595/D/20/3257415

64 Moore Avenue, Grays RM20 4XW

- 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 Mohammed Ruhul Amin against the decision of Thurrock Council.
 - The application Ref 20/00713/PHA, dated 9 June 2020, was refused by notice dated 27 July 2020.
 - The development proposed is single storey rear extension.
-

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 at 64 Moore Avenue, Grays RM20 4XW in accordance with the application Ref 20/00713/PHA made on 9 June 2020 and the details submitted with it (including plan nos. DHA/069/02, DHA/069/04, DHA/069/07 and DHA/069/08) pursuant to Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4(2) of the GPDO.

Main Issue

2. The main issue is whether the proposed extension would be granted planning permission by Article 3(1), Schedule 2, Part 1, Class A of the GPDO.

Reasons

3. The provisions of the GPDO under Article 3(1) and Schedule 2, Part 1, Class A allow for the enlargement, improvement or other alteration of a dwellinghouse as permitted development subject to certain conditions, limitations and restrictions. Under Paragraph A.1(g) it is permissible at a terraced dwellinghouse to build a single storey rear extension up to 6 metres beyond the rear wall of the original dwellinghouse and up to 4 metres in height. The proposed extension is within these dimensions.
 4. Such development would not be permitted according to Paragraph A.1(j)(iii) of the GPDO where 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. The Council contends that this restriction applies in this case because the proposed extension would be located across the host dwelling's full width; and, based on the historic footprint of surrounding dwellings, it appears that the dwellings within the terraces of which the appeal property is part benefited from a small single storey pitched roof rear projection, which extended across part of the rear elevation. In these circumstances, the proposed extension would extend beyond the side wall of this original element and, therefore, the restrictions in Paragraph A.1(j)(iii) of the GPDO would apply and the proposal would not be permitted development.

5. I agree with the Council that irrespective of later additions and the demolition of particular parts of an original dwellinghouse, the GPDO as confirmed by case law requires a proposal to be assessed against a dwellinghouse in its original built form. In this case, many of the visible properties in the terrace of which the appeal property is part have rear extensions or conservatories that appear not to be part of the original dwellings. A number of properties do include a small rear projection as described by the Council, although from the site inspection I would not concur that these are apparent on a significant number.
6. Consequently, while some properties in the terrace have such features this is not sufficient evidence on its own (additional evidence might, for example, include documentary evidence showing the original plan form of the dwellinghouses comprising the terrace) to conclude that this was the original built form of all the dwellings in the terrace, including the appeal property. Therefore, on the balance of the available evidence in this case, I find that the proposal falls within the provisions for permitted development under Schedule 2, Part 1, Class A of the GPDO.
7. Paragraph A.4(7) states that prior approval is required for extensions under Paragraph A.1(g) where any owner or occupier of any adjoining premises objects to the proposed development. The Council consulted the owner/occupiers of adjoining premises and received no objections to the proposal. Therefore, prior approval is not required for this proposal.

Conclusion

8. For the reasons given above, I conclude that the appeal should be allowed and prior approval is not required. The appellant should note that Paragraph A.3(a) of Class A requires the materials to be used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

J Bell-Williamson

INSPECTOR