



Appeal Decision

Site Visit made on 9 March 2021

by Steven Rennie BA (Hons), BSc (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/N1920/D/20/3261097

9 Heathfield Road, BUSHEY, Hertfordshire WD23 2LH

- 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 (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mrs Pratima Glazer against the decision of Hertsmere Borough Council.
- The application Ref 20/1106/PD42, dated 23 July 2020, was refused by notice dated 3 September 2020.
- The development proposed is a single storey REAR extension to a single detached family dwelling, enlarging the dining/lounge area. How far will the extension extend beyond the rear wall of the original dwelling house - 3.25m already extended and a further 3.9m proposed rear extension

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Mrs Pratima Glazer against Hertsmere Borough Council. This costs application is set out with a separate decision.

Main Issues

3. The application for prior approval of a proposed larger home extension has been made under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The main issue is whether the proposed development would constitute permitted development under the terms of Schedule 2, Part 1, Class A.1 (g) of the GPDO.

Reasons

4. The proposal is to extend the rear of an existing detached house, which has been extended in the past. This includes a side garage which is now connected to the side of the original house and also a rear extension which also projects past the side of the original house.
5. The proposal is for a further extension to the rear of the house of 3.9m in depth, which cumulatively with the depth of the existing extension would be less than the 8m allowed under permitted development subject to criteria. However, as raised by the Council, this rear extension would also connect to the existing extensions that already project from the side of the original house. In this regard, paragraph 'ja' of Class A of the Permitted Development Order is relevant. This considers situations where development is undertaken in separate stages, such as different extensions over time.

6. Under paragraph 'ja' the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account. Page 27 of the Permitted Development Technical Guidance sets out an example of where a side extension may be built first, and then a rear extension added at a later date. The Guidance states with this example that:

'..if the side extension A was built first, it would meet the requirement for being no more than half of the width of the original house. However, the later addition of the rear extension B would mean that the total width of A + B at the widest point would be more than half the width of the house. The rear extension would therefore require an application for planning permission.'
7. Whilst there are differences between this example and the layout at 9 Heathfield Place it is also a similar situation. Put simply, adding the total width of the rear extension now proposed with the width of the existing side extensions (with both elements being joined) would be, based on the evidence before me, more than half the width of the original house.
8. It is acknowledged that advice has been sought by other professionals and I have read their comments, but I do not agree with their interpretations of the permitted development criteria.
9. On the basis of the evidence before me and my observations at the site visit, I am of the opinion that the proposed development would not satisfied the criteria to be permitted development, under the terms of Schedule 2, Part 1, Class A.1 (g) of the GPDO.
10. To note, this conclusion does not infer any opinion on the outcome of any future planning application that the appellant may now want to submit for the extension as proposed, now I have resolved that it is not permitted development.

Other Matters

11. Since I do not conclude that the proposal would be permitted development, it is not necessary to consider the effect it would have on the amenity of the neighbouring occupiers in this case.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Steven Rennie

INSPECTOR

