



Appeal Decision

Site visit made on 23 March 2021

by **Beverley Doward BSc BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/R4408/D/21/3268165

The Stables, Hey Slack Farm, Hey Slack Lane, Whitley Common, Huddersfield HD8 8YD

- 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 and Mrs Walkden against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2020/1170, dated 9 October 2020, was refused by notice dated 23 November 2020.
 - The development proposed is described as 'single storey extension to the rear of the existing dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The address in the heading above is taken from the Council's decision notice as this appears to be more accurate than that indicated on the planning application form. Amended plans were submitted before the Council determined the application. I have considered the appeal on the basis of the amended plans.
3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. The application submitted by the appellant was made to determine if prior approval is required for the proposed extension under Schedule 2, Part 1, Class A of the GPDO. The Council's decision notice states that prior approval is required and that it is the decision of the local planning authority to refuse the submitted details of the scheme because, in its opinion, the proposed development does not fall within the parameters of the 'Larger Home Extensions Prior Notification process' Part 1 Class A subsections (e), (i) and (g) of the GPDO as the proposed extension would not be located on the rear elevation of the dwelling.

5. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development. Although not explicit in either the Council's decision notice or its Planning Officer's report, it seems to me that the application was refused on this basis.
6. Having regard to the above therefore, I consider that the main issue is whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO and, if so, whether prior approval is required.

Reasons

7. The appeal property is a detached dwellinghouse which the Council states is a converted barn. The appellant does not dispute this. The application form indicates that the proposal seeks to erect a single storey extension to the rear of the existing dwelling. It also indicates that the proposal would extend beyond the rear wall of the original dwellinghouse by 8 metres, with a maximum height of 4 metres and a height at the eaves of 2.4 metres.
8. The Council contends that the proposed extension, sited as it would be on the north eastern elevation, would not be located on the rear elevation of the dwelling as referred to within the application form and documents, but rather the principal elevation. As a consequence, it is contended that, in this respect, it would be precluded from being permitted development under the provisions of paragraphs A.1(e) and A.1(g) of Class A of Schedule 2, Part 1 of the GPDO, and an application for planning permission is required.
9. Paragraph A.1(e) of Class A of Schedule 2, Part 1 of the GPDO indicates that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall which –
 - i. forms the principal elevation of the original dwellinghouse; or
 - ii. fronts a highway and forms a side elevation of the original dwellinghouse.
10. The term 'principal elevation' is not defined in the GPDO. However, the Permitted development rights for householders: Technical Guidance (the Technical Guidance) September 2019 published by the Ministry of Housing, Communities and Local Government does provide some assistance with the interpretation of the term.
11. The Technical Guidance states that in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It also states that the principal elevation will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house and that usually, but not exclusively, the principal elevation will be understood to be the front of the house.
12. The Technical Guidance indicates that there will only be one principal elevation on a house and that where there are two elevations which may have the

- character of a principal elevation a view will need to be taken as to which of these forms the principal elevation.
13. In this case the south western elevation of the appeal property fronts onto Hey Slack Lane (the main highway serving the house) albeit at an angle of 45 degrees. Therefore, having regard to the Technical Guidance it can be considered to front the main highway. The Council accepts this. However, it contends that the south western elevation of the appeal property does not contain the main architectural features of the dwelling and does not provide access to it and cannot therefore be considered the principal elevation.
 14. In the context of paragraph A.1(e) of Class A of Schedule 2, Part 1 of the GPDO it is necessary to consider what forms the principal elevation of the original dwellinghouse. The appellants indicate that the GPDO defines the term 'original' as a building as originally built or as existing on 1 July 1948 and in this context have submitted various historic photographs of the appeal building which indicate that there were previously door and window openings in the south western elevation whilst the north eastern elevation was blank. However, these photographs appear to have been taken before the building was converted to a dwellinghouse.
 15. The reference in paragraph A.1(e) is to the 'original dwellinghouse' and it is not possible to assess what comprised the original dwellinghouse until the dwellinghouse came into being. As indicated above, in this case the evidence indicates that the dwellinghouse was previously a barn. Accordingly, the original dwelling is that which resulted from its conversion from a barn and is now the building subject to the appeal. It is the dwellinghouse which is the subject of the permitted development right, and not some other building that may have pre-existed the formation of the dwellinghouse.
 16. I saw from my site visit that the main architectural features of the dwelling are on the north eastern elevation and notwithstanding that the south western elevation of the appeal property fronts onto Hey Slack Lane, it is the north eastern elevation which provides access to the dwelling. I also note that the appellants indicate that the architectural features in the north eastern elevation were formed as part of the refurbishment works to convert the building to a dwellinghouse. Accordingly, based on the evidence before me and having regard to the Technical Guidance, I consider that the north eastern elevation is the principal elevation of the 'original dwellinghouse' which resulted from its conversion from a barn. Consequently, it precludes the proposal, which would extend beyond a wall which forms this elevation from being permitted development under paragraph A.1(e) and paragraph A.1(g) of the GPDO and an application for planning permission is required.
 17. In addition to the references to the provisions of paragraphs A.1(e) and A.1(g) of Class A of Schedule 2, Part 1 of the GPDO the Council's decision notice states that the proposed development would be precluded from being permitted development under the provisions of paragraph A.1(i). There is no reference to the provisions of paragraph A.1(i) in the Planning Officer's report nevertheless given my finding that the proposal would not be permitted development in relation to the provisions of paragraphs A.1(e) and A.1(g) it is not necessary for me to also consider this matter.

Conclusion

For the reasons given above, I conclude that the proposal is not permitted development, so that the need for prior approval does not arise, and that the appeal should be dismissed.

Beverley Doward

INSPECTOR