
Appeal Decision

Site visit made on 26 March 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/C3240/D/20/3262222

105 Haybridge Road, Hadley, Telford, Shropshire TF1 5JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Hussain against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0763, dated 3 September 2020, was refused by notice dated 22 October 2020.
 - The development proposed is the erection of a single storey rear extension with a flat roof covering.
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Decision

1. The appeal is dismissed.

Procedural matter

2. An application for costs has been made by the appellant against the Council. This application is the subject of a separate decision.

Background and Main Issue

3. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under ^[1]~~SEP~~ Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).
4. The main issue is, therefore, whether the proposal would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. The proposal is to erect a single storey extension at the rear of the appeal property, which is a 2-storey house with a ground floor rear projection within an established residential area. According to the application forms, the new addition would extend beyond the rear wall of the original dwelling by 4-metres with a maximum height of 2.9-metres.
6. Schedule 2, Part 1, paragraph A of the GPDO allows for the enlargement, improvement or other alteration of the original dwelling house. The GPDO states that development is not permitted by Class A if "the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would (i) exceed 4-metres in height; (ii) have more

than a single storey; or (iii) have a width greater than half the width of the original dwellinghouse...".

7. The submitted plan shows the proposed extension as a hatched area, which projects beyond the side elevation of the ground floor rear projection, which the Council regards as part of the original dwelling. Given that the existing rear projection is physically attached to the main house and includes brickwork that broadly matches it, that is a reasonable stance to take.
8. There is no persuasive evidence before me to the contrary although I do note that the application form, which was completed by the appellant, indicates that the depth of the new addition would be 4-metres from the rear wall of the original dwelling. That measurement appears to have been taken from the 2-storey rear wall of the main house rather than the single storey rear projection. Even if the existing rear projection was regarded to be a later addition, the proposal would be more than half the width of the original dwelling.
9. For these reasons, I conclude that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted under Schedule 2, Part 1, Class A of the GPDO. As the proposal would not be development permitted under the GPDO, there is no need for me to make a determination on the prior approval matters.
10. I note that the proposed extension is necessary to provide additional living space that will better meet the needs of the appellant's family and a disabled child. However, these matters fall outside the remit of this appeal.

Conclusion

11. For the reasons set out above I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR