



Appeal Decision

Site visit made on 6 April 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 May 2021

Appeal Ref: APP/M3645/D/20/3261404

Fidlers Cottage, Lower South Park, South Godstone, RH9 8LF

- 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 & Mrs Hinson against the decision of Tandridge District Council.
 - The application Ref TA/2020/1415/NH, dated 7 August 2020, was refused by notice dated 16 September 2020.
 - The development proposed is the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.89 metres, for which the maximum height would be 2.5 metres, and for which the height of the eaves would be 2.5 metres.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr & Mrs Hinson against Tandridge District Council. This application is the subject of a separate decision.

Procedural Matters

4. In the interest of accuracy, the description of development used in the header above is based on that used on the Council's decision notice.
5. 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.
6. Where an application is made for a determination as to whether prior approval is required for development, 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.

Main Issue

7. The main issue is whether or not the proposal constitutes permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons for the Recommendation

8. The appeal site comprises a two-storey detached property located in a secluded rural location. It is accessed via a gravelled lane off a road known as Lower South Park, approximately 90 metres to the north. The property benefits from a single storey extension to its western elevation resulting from a Lawful Development Certificate (LDC) granted in 2007.
9. The proposal would result in a single storey extension to the southern elevation of the appeal dwelling which, according to the Council, would constitute a side extension. Although the appellant opines that the southern elevation is the rear elevation of the dwelling as it is opposite the elevation which features a porch and main entrance, it is considered that the principal front elevation is the eastern elevation. Indeed, the eastern elevation appears as the main façade as it fronts the access drive and incorporates the main architectural features such as the double-storey projecting gable which dominates the character of the house.
10. I accept there is a degree of ambiguity due to the positioning of the main entrance and porch. However, I find that the eastern elevation would still be read as the front of the house and that despite the location of the front door and porch the appearance of the southern elevation clearly constitutes a secondary side elevation. Whilst the guidance contained within the 'Technical Guidance: Permitted development for Householders' document states that the principal elevation will be that part of the house which fronts the main highway serving the house, I do not regard the northern elevation as fronting Lower South Park due to the considerable separation distance.
11. I acknowledge that the regulatory framework regarding 'permitted development' for extensions has changed since the Council issued the LDC in 2007 and that the wording used on the certificate itself is contradictory, however this does not alter my view that the western flank of the dwelling constitutes the rear elevation.
12. Therefore, the proposal would extend beyond a wall forming a side elevation of the original dwellinghouse, thus I conclude the conditions of para A.1 (j) are not met.
13. Whilst I have had regard to the absence of neighbouring properties, since the proposal would not be permitted development in any event, that there would not be any adverse effects on the amenity of the neighbouring occupiers in this instance does not have any bearing on my decision-making.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR