
Appeal Decision

Site visit made on 1 June 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/C3105/D/21/3270457

4 Summer Ley, Barford St. Michael, Banbury, Oxon OX15 0RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under The Town and Country planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Andrew Speight against the decision of Cherwell District Council.
 - The application Ref 20/02717/HPA, dated 22 September 2020, was refused by notice dated 25 January 2021.
 - The development proposed is demolition of existing conservatory and erection of lounge/dining room extension, kitchen extension to form utility room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to various specific criteria. Criterion (j) questions whether the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and under (iii) have a width greater than half the width of the original dwellinghouse.
3. The appeal is considered on the basis of the above criteria, rather than the merits of the extension in relation to the Development Plan.

Main Issue

4. The main issue is therefore whether the development would accord with the provisions of Part 1, Class A of the above Order with regard to the requirement in criterion (j).

Reasons

5. The appeal site is within a cul-de-sac of six semi-detached dwellings set in spacious gardens. These were built by the Council and have smaller offshoots to the sides, some single storey and some nearer two storey.
6. The appeal dwelling has a full two storey element and a shorter one and a half storey element. There is a conservatory to the rear and a large garden.

7. Criterion (J) of the above Order states if the extension attached to a previous side extension, together with the now proposed extension would exceed more than half the width of the original dwelling, would not constitute permitted development.
8. There are conflicting views between the parties over the extent of the original house. A map has been presented from 1980 which indicates a wide footprint, but this postdates the construction of the house and as such cannot be relied upon to show the extent of the original dwelling.
9. It is suggested that the Council may well have more records, but I have not been presented with the original floor plans or any other similar documentary evidence. Whilst reference is made to the presence of side offshoots to the other dwellings and the unlikelihood that these are subsequent additions, I have not been given clear evidence and cannot consider the appeal on the basis of such an assumption, and only on the submitted information.
10. The other dwellings in Summer Ley have the same basic design and have offshoots, which could be arguable as setting a precedent for this site. However, for the purposes of this appeal I am only able to consider this site and the particular proposal against the specific criteria in Class A of the above Order.
11. In the absence of original floor plans or any other submitted documentation to indicate otherwise, I conclude that the proposed extension would not constitute permitted development.

Conclusion

12. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR