
Appeal Decision

Site Visit made on 31 August 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/W4223/D/21/3276154

2 Bucklow Close, Oldham, OL4 2NG

- 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 Dr Aleksandra Makojnik against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PDE/346166/21, dated 18 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is "single storey rear extension - Length: 3.8m, Height: 2.5m, Height to eaves: 2.0m - a timber roof over the existing patio supported on 3 timber posts and attached to the building rear wall, covered with polycarbonate, no walls."
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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 Dr Aleksandra Makojnik against Oldham Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

4. 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.
5. An application is necessary to determine 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 such an application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed

development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

6. The main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

7. To benefit from the provisions of Schedule 2, Part 1, Class A, Paragraph A.4 the proposed development must comply with paragraph A3, which requires that the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In this case the proposed polycarbonate roof would not have a similar appearance to the tiled roof of the host dwelling. It is suggested that it would have a similar appearance to the glass windows, but there are significant differences in the composition, transparency, and texture of the two materials, such that the contrast would be readily apparent.
8. Consequently, whilst the dimensions and location of the proposal would meet the limitations of the GDPO, the proposed materials of the roof would not match those of the existing dwellinghouse. The development would not, therefore, comply with the conditions set out at paragraph A3, so would not be permitted development.
9. Whilst polycarbonate may have been used in the construction of buildings nearby, the requirements of the GPDO only relate to the existing dwellinghouse. The merits of the proposal are not a matter for consideration under the prior approval provisions set out in the GDPO. Consideration of these matters would require the submission of a planning application to the local planning authority.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and the appeal is dismissed.

Nick Davies

INSPECTOR