



Appeal Decision

Site Visit made on 28 September 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2021

Appeal Ref: APP/W4705/W/21/3277203

9 Elwyn Road, Bradford BD5 7HN

- 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 Munawar Walele against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/00083/PNH, dated 5 January 2021, was refused by notice dated 17 February 2021.
 - The development proposed is rear extension to the following dimensions: 3m to eaves, 4m max height, 6m length.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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 – 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

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

Reasons

5. The proposal is to extend to the rear of a semi-detached house, which has an existing single storey rear extension which wraps around the side of the property. The proposal is for a further extension to the rear of the house of 3m in depth, which cumulatively, with the depth of the existing extension, would

- not exceed the 6m depth allowed under permitted development, subject to criteria.
6. However, the rear extension would connect with the existing extension that already projects from the side of the original house. In this regard, paragraph 'ja' of Class A of the GPDO is relevant. This considers situations where development is undertaken in separate stages, such as different extensions over time.
 7. Under paragraph 'ja' the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account and must not exceed the limitations within paragraphs (e) to (j) of Class A of the GPDO. This includes the limitation for side extensions not having a width greater than half the width of the original dwellinghouse.
 8. Page 27 of the Permitted Development Technical Guidance sets out an example of where a side extension may be built first, and then a rear extension added at a later date. The Guidance states with this example that:

'...if the side extension A was built first, it would meet the requirement for being no more than half of the width of the original house. However, the later addition of the rear extension B would mean that the total width of A + B at the widest point would be more than half the width of the house. The rear extension would therefore require an application for planning permission.'
 9. Whilst there are differences between this example and the layout at 9 Elwyn Road it provides a similar comparison. To summarise, adding the total width of the rear extension now proposed with the width of the existing rear and side extensions (with both elements being joined) would be, based on the evidence before me, more than half the width of the original house.
 10. Based on the evidence before me, and my observations at the site visit, I therefore find that the proposed development would not satisfy the criteria to be permitted development, under the terms of Schedule 2, Part 1, Class A.1 (g) of the GPDO.

Other Matters

11. As I do not conclude that the proposal would be permitted development, it is not necessary to consider any effects on the living conditions of occupiers of neighbouring properties. Whilst other properties have been extended nearby including, I'm told, through the GPDO, I do not have full details of these schemes. In any case, my assessment is made based on an assessment of the appeal proposal in relation to the host property and its existing extension against the provisions of the GPDO.

Conclusion

12. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR