



Appeal Decision

Site visit made on 18 August 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/J3720/W/21/3274542

Brock Cottage, Poolhead Lane, Tamworth-In-Arden, Solihull B94 5EH

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Love against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/00661/AAPA, dated 26 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is extension above the original dwelling house to facilitate one additional storey to an existing detached single storey dwelling house.
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Decision

1. The Appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ('the GPDO') for extension above the original dwelling house to facilitate one additional storey to an existing detached single storey dwelling house at Brock Cottage, Poolhead Lane, Tamworth-In-Arden, Solihull B94 5EH, in accordance with the details submitted pursuant to Schedule 2, Part 1, Class AA of the GPDO through application Ref 21/00661/AAPA, dated 26 February 2021 and in accordance with the conditions set out under paragraphs AA.2 (2) and (3) of Class AA of the GPDO.

Preliminary Matter

2. The details on the submitted application form are not available to me. Therefore, for the purposes of the information in the banner of my Decision, I have relied on the appellant's appeal form and the Council's decision notice.
3. During the appeal the appellant submitted an Inspection Report undertaken by Marwood Surveyors. As this is intended to address the Council's reason for refusal and was referenced in the appellant's statement, I have accepted this as evidence.

Background and Main Issue

4. The Council is of the opinion that the submitted scheme does not comply with the eligibility requirement of Paragraph AA.1 of Part 1 of Schedule 2 of the GPDO. This states that development is not permitted by Class AA if it does not meet any of the criteria under Class AA.1 of the GPDO, including: '*(c) the dwelling house was constructed before 1st July 1948 or after 28 October 2018.*'

5. Accordingly, the main issue is whether the proposal would be permitted development under Class AA of the GPDO having regard to Paragraph AA.1 (c).

Reasons

6. The appeal property comprises an extended detached bungalow. The submitted historic maps of the site from 1905 to 1971, show that there has been development on the site in a similar position of the existing dwelling from 1918.
7. Based on the submitted mapping, the extent of the building as shown in 1969-71 mapping occupies a considerably larger footprint than the one shown in 1918. However, this in itself does not confirm whether the original building was extended or that this was demolished and replaced.
8. Nevertheless, I have been referred to an extract from a valuation report relating to the appeal property, this identifies the approximate year of build as being 1950. Moreover, the submitted Inspection Report undertaken by Marwood Surveyors, which was completed following a physical inspection of the property, concludes that the type and specification of the materials used in the construction of the external walls indicate that they were likely constructed during a period between 1978 and 2006 and would appear to be consistent throughout the property.
9. Furthermore, the Inspection Report acknowledges that whilst a smaller building existed on the site as shown on historic documents, this would have likely to have been of single skin masonry wall construction. Further, that rural buildings of that period were commonly founded on shallow foundations using brick spreaders often built without any solid material foundation and that it is highly unlikely that any part of that original building would have been retained to form part of the appeal property.
10. In light of the above evidence and in the absence of any information to the contrary, I conclude that appeal property was constructed after 1 July 1948 and before 28 October 2018. As such, the proposal complies with the requirement of criteria (c) of Class AA.1 of the GPDO. On the information before me there is nothing to suggest that the proposal does not meet any of the other limitations and conditions associated with Class AA of the GPDO.
11. Paragraph AA.2. of Class AA of the GPDO states that development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3). Therefore, it is not necessary for me to specify these as part of my Decision.
12. Accordingly, the proposal is permitted development under Class AA of the GPDO. I, therefore, conclude that the appeal should be allowed, and prior approval be granted.

M Aqbal
INSPECTOR