



Appeal Decision

Site visit made on 7 December 2021

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/J3015/D/21/3277104

1 The Cloisters, Beeston, NOTTINGHAM, NG9 2FR

- 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 A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Xuemin Xu against the decision of Broxtowe Borough Council.
 - The application Ref 21/00268/PNH, dated 1 April 2021, was refused by notice dated 18 May 2021.
 - The development proposed is described as 'flat roofed bedroom and en-suite shower room extension'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted, having regard to Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. 1 The Cloisters is a semi-detached property occupied as a house in multiple occupation on a corner plot at the junction of The Cloisters and Salthouse Lane. The original attached garage has been converted to an additional bedroom and the property has previously been extended at single storey to the rear.
4. Schedule 2, Part 1, Class A of the GPDO states that the enlargement, improvement or other alteration of a dwellinghouse is permitted development. Paragraph A.1. sets out the relevant exceptions and limitations of the permitted development rights.
5. Paragraph A.1. (j) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, have more than a single storey, or have a width greater than half the width of the original dwellinghouse. Paragraph A.1. (ja) confirms that any total enlargement would not be permitted development if it would exceed the limits set out in (e) to (j). Total enlargement means the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined.

6. The proposed extension would be joined to the previous rear addition and would extend out as far as the side wall of the garage. Page 22 of the Permitted development rights for householders Technical Guidance September 2019 (technical guidance) states that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front or a rear wall. It clarifies that where an extension is beyond any side wall the restrictions in (j) will apply.
7. The appeal property in these terms has two side walls; that of the single storey former garage and the main two storey side wall of the house. The extension would project beyond the main house wall and therefore in terms of (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse.
8. The width of the proposed extension, when taken together with the rear extension already constructed, would be more than half the width of the original dwellinghouse. Consequently, even if the proposed extension could meet the criteria under Paragraph A.1.(g) as suggested by the appellant, the proposal would fail to meet the criteria in paragraph A.1(j) (iii) of the GPDO. The proposed extension can therefore not be classed as permitted development.
9. I note the appellant's reference to the diagrams on pages 14 and 15 of the technical guidance in relation to the restrictions in Paragraph A.1.(e). However, although the side wall faces a highway it is not the dwelling's principal elevation. The technical guidance confirms that principal elevation will be the part of the house which fronts the main highway serving the house and that there will only be one principal elevation on a house. The diagrams on pages 14 and 15 do not affect my interpretation and conclusion in relation to the appeal proposal as set out above.

Conclusion

10. For the reasons given above, I conclude that the proposal would not satisfy Schedule 2, Part 1, Class A of the GPDO as it would breach A.1. (j) (iii). Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR