
Appeal Decision

Site visit made on 15 November 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/Y3615/D/21/3272844

37 Beech Grove, Guildford GU2 7UZ

- 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 Country Planning (General Permitted Development) Order 2015 as amended.
 - The appeal is made by Mr Mark Brown (Brofam 2 Ltd) against the decision of Guildford Borough Council.
 - The application Ref 21/W/00010, dated 21 January 2021, was refused by notice dated 25 February 2021.
 - The development proposed is described as the erection of a single storey rear extension which would extend beyond the rear wall of the original dwelling house by 6m, with a maximum height of 4m at the highest point and a maximum height of 3m at eaves. The extension to be built with materials consistent with, and or to match, the existing dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed extension meets the requirements of Class A, having regard to the information provided with the application.

Reasons

3. The appeal property is a semi-detached house with a detached garage in the rear garden, on one side. In order to benefit from permitted development rights, the proposed extension must meet the requirements set out in paragraph A.4(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO).
4. There is no dispute that the information required by paragraph A.4(2)(c)(d) and (e) was provided. The application form included a written description of the proposed development and dimensions sufficient to comply with the requirements set out in A.4(2)(a)(i),(ii)(iii) and (iv). Paragraph A.4(2)(b) requires the provision of a plan. Although not to scale, the submitted plan includes a scale bar and shows the site and the development adequately.
5. However, the plan also shows that an extension of the size proposed could not be constructed without overlapping, and having an effect on, the existing garage. The appellant suggests that it would be demolished or moved. Nonetheless, there is no plan to indicate precisely how the garage would be altered. Without clear plans, either the proposed extension could not be built,

as the garage is in the way, or it would be joined onto the garage. This would have implications for the overall size of the extension and how it should be assessed against the requirements of the GPDO, including paragraph A.1(g)(i). Moreover, in these circumstances it would not, therefore, be appropriate to impose a condition to secure any changes to the garage that would be necessary in order to permit the extension.

6. Consequently, with regard to paragraph A.4(3)(b), there is insufficient information to establish that the proposed development would comply with the provisions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

Other Matters

7. The appeal form refers to appeals on nearby sites. One has been withdrawn¹ and no appeal reference was given for 7 St Johns Road. The other appeal was dismissed² and, in any event, related to a refusal of planning permission so is not comparable.
8. I note that the appellant was dissatisfied with the manner in which the Council handled the application. This is not a matter for me to consider in the context of this appeal, which I have determined in accordance with the provisions of the GPDO and on the evidence before me.

Conclusion

9. For the reasons given above, I therefore conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR

¹ APP/Y3615/W/21/3270567

² APP/Y3615/W/20/3262614