The Planning Inspectorate

# Appeal Decision

Site visit made on 14 December 2021

**by Diane Cragg Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 December 2021**

**Appeal Ref: APP/X2410/D/21/3278235**
**173 Colby Drive, Thurmaston, LEICESTER, LE4 8LE**

- 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 K Patel against the decision of Charnwood Borough Council.
- The application Ref P/21/1119/2, dated 6 May 2021, was refused by notice dated 2 July 2021.
- The development proposed is single storey rear extension.

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

## Main Issue

4. The main issue is whether the development would be permitted development under Schedule 2, Part 1, Class A of the GPDO.

## Reasons

5. The original dwellinghouse is defined in the GPDO as the house as it existed on 1st July 1948 or if built after this date, how it was originally built. No 173 Colby Drive is a detached property which has a two-storey extension to the side. The side extension appears to have been constructed following a planning permission granted in 1986. This is not disputed by the appellant.

6. Development is not permitted by Class A where the enlarged part of a dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse. In such cases a proposal must meet all of the limitations in A.1(j) (i) to (iii) in order to constitute permitted development.

One of these limitations states that an extension would not be permitted development where it would extend beyond the side wall of the original dwellinghouse and would have a greater width than half the width of the original dwellinghouse. Permitted development rights for householders Technical Guidance September 2019 (technical guidance) indicates that a wall forming a side elevation will be any that cannot be identified as being a front wall or a rear wall.

7. The side wall of the original dwelling house would exclude the two-storey side extension. The proposed rear extension would extend the full width of the existing property including across the area behind the two-storey side extension. Consequently, the appeal extension would extend beyond the side of the original house. The proposed extension would have a greater width than half of the width of the original dwellinghouse and would therefore fail to meet the criteria in paragraph A.1(j) (iii) of the GPDO. The proposed extension is therefore not classed as permitted development.

**Conclusion**

8. 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