



Appeal Decision

Site Visit made on 8 December 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2021

Appeal Ref: APP/C3620/D/21/3275780

4 Stockrydons Cottages, Henfold Lane, Beare Green RH5 4RP

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Martin King against the decision of Mole Valley District Council.
 - The application Ref MO/2021/0208/PNHH, dated 23 February 2021, was refused by notice dated 6 April 2021.
 - The development proposed is 6 metre 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 – 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 Issues

4. The Council's reason for refusal stated that the addresses of all adjoining properties had not been provided and that the developer has not provided details of materials. It also set out that there would be a detrimental impact on the amenities of an adjoining occupier. For this reason, the Council considered the proposal did not comply with Article 3, Schedule 2, Part 1, Class A of the GPDO.
5. Therefore, the main issues are:
 - whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and the impact of the proposed development on the amenity of all adjoining premises.

Reasons

6. Paragraph A.4(2) of the GPDO sets out a number of requirements which the development must provide to the local planning authority. Paragraph A.4(2)(c) requires the addresses of any adjoining premises.
7. The appeal site forms the end of a terrace of four properties, Numbers 1 to 4 Stockrydons Cottages. It directly adjoins Number 3 (No 3) and, due to the shape of its garden, it has a boundary with Number 2 (No 2). Irrespective of the distance between the shared boundary with No 2 and the appeal property, No 2 is a neighbouring property. The appellant did not include the address of this adjacent property in its application to the Council and therefore this requirement was not met.
8. Notwithstanding that this address had been omitted, the purposes of this requirement is to provide those who may be affected by the proposed development with an opportunity to comment. It is evident from the representations received that this neighbour was aware of the proposal and they have not therefore been prejudiced by the omission of this detail at the application stage.
9. On this basis, I have gone on to consider the effects of the proposed development on the amenity of all adjoining premises, taking into account any representations received, as required under paragraph A.4(7) to Part 1 of the GPDO.
10. The proposed extension would be the full width of the host property and project 6 metres from its rear elevation along the shared boundary with No 3. It would have a maximum height of 4 metres and 3 metres to eaves level on the boundary.
11. No 3 has a rear facing window at ground floor and a small single-storey rear addition extending along its boundary with No 2. Whilst there is a boundary fence indicated to be some 1.8 metres between Nos 3 and 4, the extension would be significantly higher than this by 1.2 metres and of a more substantial construction. Due to its length, the proposed extension would breach a 45 degree line measured from the centre of the nearest neighbouring window. This indicates that daylight to this room would be adversely affected by the proposed extension. In addition, due to its southerly position and height along the boundary, it would also overshadow the rear garden to No 3 and restrict sunlight to the ground floor windows of this property.
12. The garden to No 3 is relatively narrow. The rear facing ground floor window has a limited outlook being positioned between the existing high boundary fence and the single-storey rear addition. The window in the rear addition faces the existing boundary fence. The rear facing window has direct views down the garden and this would not be affected. However, the increased height and length along this boundary would have an enclosing effect on this rear garden, causing an unacceptable loss of outlook to both ground floor windows.
13. I appreciate that the appellant could construct a 3 metre long extension as a fallback position on this boundary which would also be likely to breach the 45 degree line. However, at half the length of the proposed development, its effect in terms of loss of outlook, daylight and overshadowing would be materially less. I therefore give this fallback position only limited weight.

14. There is an existing outbuilding within the rear garden to No 4 which is indicated to be around 2.2 metres high. It is positioned close to but set in from the boundary with No 3 and some distance back from its rear elevation. Whilst this existing outbuilding may have some effect on both light and outlook for No 3, due to its position and lower height, its effect would not be as great as the proposed extension.
15. The proposed extension would be set in from the boundary with Keeper's Cottage, directly to the north, and some distance from this property. It would also be separated from No 2 by the intervening property. This separation would ensure that no adverse effects on these neighbours' amenities would arise.
16. Paragraph A.3. states that development is permitted by Class A subject to conditions. The condition at A.3(a) states that "the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse". The Council took the view that in the absence of details of materials it could not establish whether this condition could be complied with.
17. The GDPO does not set out a requirement to provide details of materials. As any permission granted under Class A would be subject to the condition set out at A.3(a) which would secure matching materials, I do not find that there is any reason for the appellant to have provided additional details in this regard as part of the application.
18. For the above reasons, I conclude that the proposed works would not comply with the conditions, limitations and restrictions specified as being applicable to the proposed development. As such, it precludes the proposal from being permitted development under the terms of the GDPO.

Conclusion

19. For the reasons given above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR