

Appeal Decision

Site visit made on 24 January 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/D1265/D/21/3286521

26 Compton Crescent, West Moors BH22 0BZ

- 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 Mrs N Bradley against the decision of Dorset Council.
 - The application Ref 3/21/1323/PNHH, dated 25 June 2021, was refused by notice dated 19 August 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension at 26 Compton Crescent, West Moors, BH22 0BZ, in accordance with the details submitted pursuant to Schedule 2, Part 1, Class A of the GPDO.

Background and Main Issue

2. As the proposal constitutes the enlargement, improvement and other alteration of a dwellinghouse, it is to be considered principally against the limits imposed by Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO). The proposal was applied for on this basis as a notification for prior approval for a larger home extension and I have therefore considered the appeal on these grounds.
3. The main issue is whether or not the proposal is permitted under Schedule 2, Part 1, Class A, Paragraph A.1 of the GPDO, with particular regard to whether the terms of paragraph A.1(k)(iv) would be met.

Reasons

4. The proposal involves the removal of an existing rear conservatory and its replacement with a single storey block built extension projecting around 6 metres from the rear elevation. Its width would be largely the same as the existing conservatory, i.e. spanning much of the width of the semi-detached bungalow.
5. With the exception of paragraph A.1(k)(iv) of the GPDO, which I will return to, the Council's evidence sets out that the proposed extension would meet the remaining criteria identified under Schedule 2, Part 1, Class A of the GPDO. On

the basis of the information before me, I find no reason to disagree with the Council's assessment of these matters.

6. However, development is not permitted by Schedule 2, Part 1, Class A, A.1(k)(iv) of the GPDO if it would consist of or include an alteration to any part of the roof of the dwellinghouse. The Council's evidence suggests that where the extension would extend from the rear roof plane, it would necessitate an alteration to part of the roof, the like of which is prohibited under A.1(k)(iv).
7. The existing conservatory extends from the eaves level with a narrow rainwater gully in between it and the host dwelling. From the plans, it appears that the proposed extension would have the same eaves level as the house. The flat section of its roof would extend from the roof plane above the eaves, but it would be far lower than the existing ridge height.
8. Class A extensions are permitted to have a roof that extends from the existing dwelling provided that the relevant maximum roof heights are observed, i.e. no higher than existing eaves level and no higher than the highest part of the existing roof. In my view, this indicates that, unless involving a flat or shallow monopitch roof from eaves level, there will be an amount of additional roof form tying the extension to the roof plane/s. This is not necessarily to be considered an alteration to the roof form that A.1(k)(iv) seeks to prevent.
9. The Government's 'Permitted development rights for householders - Technical Guidance' (2019) (Technical Guidance) sets out that though the items set out in A.1 (k) (i), (ii), (iii) and (iv) are not permitted development under Class A of the Order, some may be permitted development under other Classes subject to the limitations and conditions set out in those Classes, such as either classes B and C which cover roof enlargements or other roof alterations. However, in this case, I consider the de minimis aspect of the proposal in question, falling within the maximum height of 3.725 metres high, is in fact an integral part of the extension to link it back to the house that could not, in itself, be considered a separate enlargement or alteration to its roof falling into either separate Classes, whereas a dormer window addition or similar alteration would certainly do so.

Other Matters

10. Whilst the Council have suggested a matching materials condition, the GPDO specifies in A.3 that for the development to be permitted, the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Such a condition is therefore unnecessary.

Conclusion

11. For the above reasons, on the evidence before me, I therefore conclude that the proposal would be permitted development under the provisions of Schedule 2, Part 1, Class A of the GPDO. The appeal is therefore allowed.

Hollie Nicholls

INSPECTOR