



Appeal Decision

Site visit made on 18 January 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022

Appeal Ref: APP/H1515/D/21/3275547

2, Danes Way, Pilgrims Hatch, CM15 9JS

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Chris Commons against the decision of Brentwood Borough Council.
 - The application Ref 21/00321/PN42, dated 23 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted for a single storey rear extension at 2, Danes Way, Pilgrims Hatch, CM15 9JS in accordance with the terms of the application, Ref 21/00321/PN42, dated 23 February 2021, and the plans submitted with it.

Main Issue

2. The main issue in this appeal is whether or not the proposed extension is permitted under the above Order.

Reasons

3. Development is not permitted by Schedule 2, Part 1, Class A of the above Order if the enlarged part of the dwellinghouse would have a single storey and (i) extend beyond the rear wall of the original dwelling house by more than 6 metres or (ii) exceed 4 metres in height.
4. Class A.4 (2) requires that before beginning the development the developer must provide (a) a written description of the proposed development including (ii) the maximum height of the enlarged part of the dwellinghouse and (iii) the height of the eaves of the enlarged part of the dwellinghouse.
5. The local planning authority may refuse an application where, in the opinion of the authority (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A.

6. The submitted application form indicates that the development will be single storey and be no more than 4 metres in height and extend beyond the rear wall by between 3 and 6 metres. The description of proposed works indicates that the maximum height would be 2.9 metres and to the eaves would be 2.7 metres.
7. The proposal is for a flat roof single storey extension and the submitted drawings indicate that the height to the top of the flat roof is 2.9 metres. Which is stated as the maximum height on the application form and therefore there is no discrepancy between these figures.
8. The eaves height and maximum height of a flat roof should be the same as demonstrated within the example given on page 12 of the Permitted Development for Householders – Technical Guidance 2019. This states that where there is a flat roof the eaves height is measured from the ground level at the base of the outside wall to the point where that wall would meet the upper surface of the flat roof and the overhanging and parapet wall should be ignored for the purposes of measuring.
9. However, despite the difference set out within the application form it is evident that the overall height of the proposed extension would be less than 4 metres as set out within Class A. Therefore, I am satisfied that the height of the development would comply with the conditions, limitations and restrictions applicable to development permitted by Class A.
10. The submitted plans also include the demolition of the existing side extension, and the delegated report refers to the relevant history of the appeal site which includes reference to application 20/00338/FUL. I am aware of the details of this case although it has not been presented to me as evidence as I dealt with the appeal¹. This appeal was allowed and permits the demolition of the existing side extension and garage and the construction of a detached single storey bungalow. Therefore, these works already benefit from planning permission.
11. However, there is no certainty that this permission will be implemented. As such, the part to be demolished, should be considered as part of the original dwelling, even if the demolition works themselves would not require planning permission. The proposed single storey rear extension does not extend beyond the rear wall of the original dwelling by more than 6 metres and has a depth of 5 metres as stated in both the application form and as illustrated on the submitted plans. Furthermore, the proposed extension could be constructed if the existing side extension were to be retained and therefore although it is shown on the plans to be demolished this has not affected my consideration of this appeal.
12. Paragraph A4.7 sets out that where an owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. In this instance notification letters have been sent to the neighbouring properties, and no objections have been received.
13. I therefore conclude that the proposed extension is permitted under the above Order.

¹ APP/H1515/W/20/3253925

Conditions

14. Prior approval under Class A is subject to a number of conditions which are specified within paragraph A(3). It is not necessary to repeat these within the formal decision, but to assist the parties, they are summarised below.
15. Sub-paragraph (2)(a) requires that materials used in the exterior work must be of a similar appearance to those used in the existing dwellinghouse; (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed and prior approval granted.

G Pannell

INSPECTOR

