



Appeal Decision

Site visit made on 23 February 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2022

Appeal Ref: APP/W4705/D/21/3288891

2 Woodcross Court, Bradford BD5 7LW

- 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 Ziaul Haq against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/04342/PNH, dated 17 August 2021, was refused by notice dated 22 September 2021.
 - The development proposed was originally described as single storey extension to rear.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of 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) for single storey extension to rear at 2 Woodcross Court, Bradford BD5 7LW in accordance with the application Ref 21/04342/PNH made on 17 August 2021, and the details submitted with it, including plan Nos BC(0)1; BC(0)2; BC(0)3; BC(0)4; BC(0)5; and BC(0)6, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

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. In this instance, the Council consider that the extension would project off the side elevation and not the rear elevation as required by paragraph A.1(g) to Part 1, Class A of the GPDO.
4. Paragraph A.4(4) states that sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act, such a refusal is to be treated as a refusal of an application for approval. Notwithstanding this, the local planning authority notified the adjoining owner or occupier about the proposed development and no representations were received in respect of this.

Main Issues

5. The main issue is therefore whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

6. Page 17 of the Permitted Development Technical Guidance confirms that the rear wall or walls of a house will be those which are directly opposite the front of the house.
7. The elevation facing Hutson Street contains five windows, including windows serving the living room and it is this façade, that presents the main architectural features to the street.
8. In contrast, whilst the main entrance of the dwelling faces toward Woodcross Road, and this reflects its address, the remainder of the façade contains only one small window adjacent to the door. Moreover, the utilities cabinets are also located on this elevation and these features, combined with the lack of fenestration give the appearance of a more secondary side elevation.
9. The appellant has provided extracts of the housing estate plans, which illustrate that the appeal property is a 'Type C' house. The extracts describe the gable elevation with windows as the front elevation. Although I do not have all the information pertaining to that application before me, it nonetheless adds to my on-site observations.
10. Having found that the front elevation faces Hutson Street, it follows that the rear elevation, being that directly opposite, is that which the proposed extension would project from.
11. I have considered the submitted information and am satisfied that the proposed extension would comply with each of the other limitations and conditions of Schedule 2, Part 1, Class A of the GPDO. The proposal would therefore meet the criteria to be permitted development.
12. For the reasons given above, I conclude that the appeal should be allowed and prior approval is not required.

Mr R Walker

INSPECTOR