
Appeal Decision

Site visit made on 8 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/B0230/D/21/3275818

24 Bampton Road, Luton LU4 0DD

- 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 Shah against the decision of Luton Borough Council.
 - The application Ref 21/00526/PARES, dated 13 April 2021, was refused by notice dated 12 May 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 single storey rear extension, at 24 Bampton Road, Luton LU4 0DD, in accordance with the terms of application ref: 21/00526/PARES, dated 13 April 2021 and subject to the conditions set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Main Issue

2. The main issue is whether the proposal constitutes permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. The dimensions of the proposal comply with the requirements of the GPDO. However, the Council's concerns manifest themselves in the presence of an existing outbuilding and whether the proposed extension would join it.
4. On this basis, the appellant presents a compelling case that part of the outbuilding would be demolished to facilitate the extension. This would have the effect of providing a 30cm gap between the outbuilding and the proposed extension. Subject to such a gap being provided, the proposal would comply with the requirements of the GPDO.
5. Despite this, I find the language of the appellant's evidence unnecessary. The drawings which supplemented the original application are not abundantly clear and the area of the outbuilding to be demolished is broadly the thickness of a line on a plan. Although I have found in favour of the appellant on this basis, references to incompetence are not helpful to the case before me, particularly when the original drawings could have been significantly clearer in their presentation.

6. Regardless of this however, based on the evidence before me, I conclude that the proposal would constitute permitted development by virtue of Schedule 2, Part 1, Class A of the GPDO.

Conditions and Conclusion

7. The conditions of development are established within the GPDO. Accordingly, I have no reason to set these out within this decision.
8. For the reasons identified above, the appeal should be allowed, and prior approval be granted.

Martin Chandler

INSPECTOR