



Appeal Decision

Site visit made on 23 August 2022 by Thomas Courtney BA(Hons) MA

Decision by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/D1590/D/21/3287768

55 Gainsborough Drive, Westcliff-On-Sea SS0 9AL

- 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 Rehanuz Zaman against the decision of Southend-on-Sea Borough of Council.
 - The application Ref 21/01957/GPDE, dated 21 September 2021, was refused by notice dated 26 October 2021.
 - The development proposed is to erect a single storey rear extension with six roof lights.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. 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.
4. 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)a) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

5. I consider that the main issue in this appeal is whether the proposed development would be granted planning permission by Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

6. The appeal site comprises a two-storey, terraced property located on the western side of Gainsborough Drive within an established residential area. The appeal property features a small single storey lean-to structure to the rear.

7. The proposal would comprise a single-storey rear extension with a depth of 6 metres and a maximum height of 4 metres following the demolition of the existing lean-to structure. Condition A.1(j) of Class A stipulates that development is not permitted if *"the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –*
 - (i) *Exceed 4m in height*
 - (ii) *Have more than a single storey, or*
 - (iii) *Have a width greater than half the width of the original dwellinghouse."*
8. The appellant contends that the appeal property has never had a single storey rear extension projection as an original feature and that no original single storey rear extension projection was ever removed from the dwelling.
9. It is evident from the historical layout map provided by the Council within the Officer Report that the appeal dwelling featured a small, roughly square-shaped and centrally positioned original rear projection. Similar projections are shown at Nos 57-59 and 61-63 Gainsborough Road to the north, which have a generally similar appearance to the appeal property, different to Nos 45-51.
10. The appellant's Appeal Statement does not dispute the accuracy of the Council's historical evidence yet still maintains that the evidence does not show an original single storey rear projection. Nevertheless, the historical map clearly indicates there was indeed a small, centrally positioned original rear projection at the appeal property. I am satisfied the Council's historical evidence is unambiguous in this regard.
11. On my site visit I observed that Nos 57-59 and 61-63 still featured small, roughly square-shaped and centrally positioned ground floor projections as shown on the Council's historical evidence. From the evidence and my observations, these projections contain side elevations of the original dwellings. Consequently, although the original rear projection has been demolished at No. 55 and replaced with the existing lean-to structure, the proposed extension would extend beyond a wall that formed a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. As a result, the development as proposed would not be permitted development when assessed against the GPDO.
12. Having regard to all of the above, I conclude that the proposed development would not comply with the stipulations of Condition A.1(j)(iii), Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed and prior approval should be refused.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A Parkin

INSPECTOR