



Appeal Decision

Site visit made on 25 July 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/Z4310/D/22/3296182

17 Claremont Road, Liverpool, L15 3HH

- 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 Muhammad Ahmad against the decision of Liverpool City Council.
 - The application Ref 20PH/2616, dated 22 September 2020, was refused by notice dated 15 December 2021.
 - The development proposed is 'single storey extension at rear – the extension will extend 4.00 metres beyond the original house, the maximum height of the extension will be 2.50 metres – the height of the extension to the eaves will be 3.00 metres.
-

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. In the interests of clarity, I have taken the description of development in the banner heading above from the Council's decision notice since it provides a more accurate description of the operational development.
4. The prior approval application to which this appeal relates was dated 22 September 2020 and received by the Council on 14 October 2020, as confirmed in the letter from the Council to the appellant dated 16 October 2020. That letter also stated that prior approval was required and that if no decision was received by 24 November 2020, the development could be proceeded with. Although the prior approval application was determined on 15 December 2021, well in excess of the expiry of the statutory period, this appeal has been made against the Council's refusal of the prior approval and I have approached it on that basis.
5. At my site visit, I saw that an extension had been constructed at the appeal site. I am also aware that an appeal against a failure to give notice within the prescribed period for a planning application for a rear extension to the appeal property was dismissed on 4 November 2021¹. However, that is a separate

¹ Appeal Reference APP/Z4310/W/21/3276428

decision in relation to an application for planning permission, which is different from the prior approval process. As such, that decision has had no bearing on my assessment of this appeal.

Main Issue

6. The main issue in this case is whether the development would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), having particular regard to the conditions set out at paragraph A.4.

Reasons

7. The permitted development right for the enlargement of a dwellinghouse which exceeds the limits in paragraph A.1(f), but is allowed by paragraph A.1(g), (a 'larger' extension), is subject to conditions which require certain information to be provided by the developer to the local planning authority before development begins. These are set out at paragraph A.4 and include, at paragraph A.4(2)(c), the addresses of any adjoining premises.
8. Where an application is made for a determination as to whether prior approval is required for an extension, paragraph A.4(3) of the GPDO provides that the local planning authority may refuse the application where it considers that the developer has provided insufficient information to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to such permitted development.
9. The appeal dwelling is a mid-terrace property with Nos 15 and 19 Claremont Road (Nos 15 and 19) adjoining to either side. The prior approval application form submitted with the appeal documentation makes reference to No 19, but not No 15. As this omission became apparent during the appeal process, the appellant and the Council have had an opportunity to comment on the matter. The Council did not respond, but I have taken the appellant's comments into account in my assessment of the appeal.
10. Whilst I acknowledge that the appellant discussed the proposed development with the occupier of No 15, that does not amount to compliance with the condition set out in paragraph A.4(2)(c). I have also had regard to the fact that the Council notified Nos 15 and 19, together with the properties at Nos 16, 18 and 20 Barrington Road, and therefore those who may have been affected by the development have not been prejudiced by the omission of this information at the application stage. However, it is a requirement of paragraph A.4 that the relevant information contained in the prior approval application is provided to the local planning authority before development begins. The development which is the subject of this appeal cannot benefit from the permitted development right under the GPDO as the conditions set out within it have not been complied with.
11. I have had regard to the appellant's argument that the construction of the 'larger' extension did not start until after the expiry of the statutory period. However, that does not override the procedural requirements of the GPDO. Whilst it is unfortunate that the Council did not raise this matter with the appellant during its processing of the prior approval application, it is the responsibility of the developer to provide the correct addresses for the

adjoining properties. This is not a matter that can be rectified through the appeal process. In these circumstances, neither the Council's case that work had already commenced on site at the time that the prior approval application was made on 14 October 2020, nor the appellant's grounds of appeal on that point, are material to my assessment of the appeal. I therefore make no further comments on those matters. Similarly, it is not necessary for me to comment further on the queries raised by the occupier of No 19 in relation to the dimensions and impact of the extension.

Other Matters

12. Whilst I acknowledge the appellant's dissatisfaction about the handling of the prior approval application and the delays involved, this is a matter between the parties and not something on which I can comment further as part of this appeal.
13. The appellant's Statement of Case advises that a separate application for an award of costs would be submitted. However, a formal application for costs has not been received and in the absence of further submissions, it is not possible to assess whether unreasonable behaviour which has caused the appellant to incur unnecessary or wasted expense, has occurred. I therefore make no further comments on the matter.
14. For the reasons given above, I recommend that the appeal should be dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Sarah Housden

INSPECTOR