The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2022

Appeal Ref: APP/Z5630/D/22/3296507
6 Gordon Road, Kingston Upon Thames KT2 6BS

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr J Harkins against the decision of the Council of the Royal Borough of Kingston Upon Thames.
- The application Ref 22/00340/PAEXT, dated 26 January 2022, was refused by notice dated 18 March 2022.
- The development proposed is the erection of a rear single storey extension that will extend beyond the original back wall of the dwelling by approx. 7.5m with a maximum height of approx. 3 metres

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It should be noted that the submitted site location plan and block plan identify No 8 Gordon Road, not No 6. Given that the appeal is dismissed, it is not necessary for me to address this issue further.

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.

Main Issue

4. I consider that the main issues in this appeal are whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. Paragraph A.4 (10) of Article 3(1) and Schedule 2, Part 1, Class A of the GDPO sets out the following:

   The development must not begin before the occurrence of one of the following—

   (a)the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

(b)the receipt by the developer from the local planning authority of a written notice giving their prior approval; or

(c)the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

6. On my site visit I observed that the extension applied for under this prior approval application appears to have been constructed. The appellant has confirmed that this is the case.

7. For the above reason, I conclude that the extension would not accord with limitation A.4 (10) of Class A. Consequently, the proposal would not comply with the conditions, limitations, and restrictions applicable to development permitted under Part 1, Class A, Schedule 2 of the GPDO. Therefore, the development does not constitute permitted development under Class A.

8. As I have reached this conclusion, it is not necessary for me to consider whether the proposal would be acceptable with regards to the other criteria and limitations of Class A.

Conclusion

9. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

B Phillips

INSPECTOR