



Appeal Decision

Site visit made on 2 November 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/A1015/D/21/3283865

35 Spital Lane, Chesterfield, Derbyshire

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Frank Casey against the decision of Chesterfield Borough Council.
 - The application Ref CHE/21/00314/PA, dated 8 April 2021, was refused by notice dated 17 September 2021.
 - The development proposed is raise roof 2.5m to create an additional storey.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development is permitted under the above Order.

Reasons

3. Development is not permitted by Schedule 2, Part 1, Class AA of the above Order if the dwellinghouse was constructed before 1 July 1948 or after 28 October 2018. Paragraph AA.3(3)(b) provides that an application may be refused where the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. The application form asks 'was the current building constructed between 1 July 1948 and 5 March 2018?' and the response was no. The parties explored this issue further prior to the application being refused. The appellant has submitted a letter to this appeal demonstrating the steps they have taken to determine when the dwelling was constructed. However, none of the documents and historic maps the parties rely on in support of their case has been presented to me. As the onus of proof is upon the appellant, it has not been demonstrated that on the balance of probabilities, the dwelling was not constructed before 1948.
5. I therefore conclude that the proposed extension is not permitted under the above Order. As the proposal does not constitute permitted development, I have no need to consider the amenity of adjoining premises or the external appearance of the dwellinghouse.

Conclusion

6. For the reasons given above I conclude that the appeal should be dismissed.

J Downs INSPECTOR