



Appeal Decision

Site visit made on 15 November 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/K2230/D/22/3292207

54 St James's Avenue, Gravesend DA11 0EY

- 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 Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs, Dezider and Andrea, Horvath and Jackova against the decision of Gravesham Borough Council.
 - The application Ref 20211329, dated 22 October 2021, was refused by notice dated 26 November 2021.
 - The development proposed is a ground floor larger rear extension with flat roof and flat roof light.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

Main Issue

3. The main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons

4. The appeal property is a two-storey end of terrace dwelling with an existing single storey rear projection. The proposal seeks to replace the existing single storey projection with a larger single storey rear extension extending the full width of the dwelling. From the plans submitted with the application, the proposed extension would, at its greatest, measure 4.32 metres deep from the rear elevation of the original dwelling, with a maximum height of 3.16 metres and a maximum eaves height of 3 metres. It would therefore meet the criteria in paragraph A.1(g) in respect of its depth.
5. The original rear elevation of the dwelling is stepped in due to the presence of the single storey rear projection. This was observed during the site visit. The

appellant contends that this does not form part of the original dwelling, as it was constructed after the main part of the dwelling under permitted development rights. However, no evidence has been provided to demonstrate this. Therefore I consider, as a matter of fact and degree, that the existing rear projection forms part of the original dwelling.

6. Paragraph A.1(j)(iii) states 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 have a width greater than half the width of the original dwellinghouse. As the original single storey projection has a side elevation, the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse. Furthermore, as the proposed extension is the same width as the host dwelling, the extension would have a width greater than half that of the original dwelling.
7. Although the existing single storey projection is to be demolished prior to the construction of the proposed development, the restrictions in A.1(j) would still apply. The limitations to permitted development are based on the original dwellinghouse and apply even if part of the original is removed.
8. Having regard to all of the above, I conclude that the proposed development would fail to comply with paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Other Matters

9. It is noted that no objections were received from the owners or occupiers of any adjoining premises and therefore section A.4(7) of the GPDO is not triggered. However, as the proposed development would not comply with paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO, it would still not constitute permitted development, regardless of section A.4(7).

Conclusion

10. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Article 3, Schedule 2, Part 1, Class A of the GPDO. Therefore, the appeal is dismissed.

E Grierson

INSPECTOR