



Appeal Decision

Site visit made on 1 November 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/K0235/D/22/3293873

68 Hookhams Lane, Renhold, Bedfordshire MK41 0JX

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr M Salim against the decision of Bedford Borough Council.
 - The application Ref 21/03257/HPN, dated 10 December 2021, was refused by notice dated 24 January 2022.
 - The development proposed is the demolition of existing rear extension and new 8m rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply; or that 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. In the case that the development is permitted development, paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. I have considered the appeal on that basis.

Main Issues

5. The main issues are whether the proposed development would be permitted under the GPDO and if so the acceptability of the impact on the amenity of adjoining premises, having particular regard to outlook.

Reasons

6. Development is not permitted by Schedule 2, Part 1, Class A, paragraph (g) (i) of the above Order if the enlarged part of the dwellinghouse would extend beyond a wall forming a rear elevation of the original dwellinghouse by more than 8m in the case of a detached dwellinghouse. The term 'original' is defined in the GPDO as that which existed on 1 July 1948 or, if built after that date, as so built.
7. The Council assert that the existing single storey projection to the rear of the property is an extension that projects from a part of the original house that was set behind the main rear elevation.
8. I observed during my site visit a variation in the brickwork to the side elevation of the dwelling, indicating to me that the rear wall of the original dwelling could have been altered at some point. I have not been presented with strong evidence to the contrary which demonstrates that the Council's assertion is incorrect.
9. Based on the information before me it is therefore reasonable to conclude that the development would result in the enlargement of the dwellinghouse by more than 8m beyond the original rear wall. I therefore conclude that the proposed extension would not be permitted development under the above Order.
10. As the proposal does not constitute permitted development, it is not necessary for me to assess the impacts on the neighbouring living conditions, or the application of planning policy related to those matters.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Emma Worley

INSPECTOR