



Appeal Decision

Site visit made on 28 February 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 8 March 2023

Appeal Ref: APP/Z4718/D/22/3311683

34 Foster Avenue, Huddersfield, West Yorkshire HD4 5LN

- 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 Zm Construction and Property Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/92666, dated 8 August 2022, was refused by notice dated 16 September 2022.
 - The development proposed is described as 'single storey rear extension. Pitched roof.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

3. Development is not permitted by Schedule 2, Part 1, Class A of the GPDO (the Order) 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.
4. The proposal, leaving a gap of 200 mm, wraps around a 'historic extension'. It would only be physically attached to the original rear wall. The appellant has stated that the irregular shape is not a true reflection of what is located on the site, but that such a design is shown on some historic plans held by the Council.
5. From visiting the site, I was able to see that the appeal property has existing extensions at the rear including what appears to be an original, single storey projection. Attached to this is an additional single storey extension, which in turn is attached to a conservatory.
6. The Council's officer report refers to historic imagery dating to 1955 with an original rectangular projection on the rear elevation with side elevations. It also references 'an irregular minor form shown adjoining the outrigger on the historic imagery which may or may not be a structure'. Moreover, there are other similar projections on properties nearby that strongly suggests that this projection was part of the original dwelling.

7. The side wall of this original projection can therefore be considered a side elevation of the original dwellinghouse for the purposes of Schedule 2, Part 1, Class A. 1 (j).
8. The Order does not refer to extensions projecting from the side elevation, but beyond them. In this context, and with regard to the 'Permitted development rights for householders – Technical Guidance' (MHCLG, September 2019), it is clear that they do not need to be attached to the side elevation for the relevant criteria to apply. Consequently, despite the 200mm gap between the proposal and any other rear projections, the proposal would extend beyond a wall forming a side elevation of the original dwellinghouse. It would 'have a width greater than half the width of the original dwellinghouse'.

Conclusion

9. Therefore, for the reasons set out above and having considered all matters raised, I conclude that the proposal would not fall within the definition of permitted development set out in Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the appeal is dismissed.

M J Francis

INSPECTOR