



Appeal Decision

Site visit made on 25 April 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/U4610/D/22/3307094

35 Woodclose Avenue, Coventry CV6 1HA

- 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 (as amended).
 - The appeal is made by Mrs Samantha Phillips against the decision of Coventry City Council.
 - The application Ref PA/2022/1817, dated 1 July 2022, was refused by notice dated 1 August 2022.
 - The development proposed is a single-storey flat roofed extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relevant to this appeal is whether the proposal represents permitted development, as defined by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. The appellant's dwelling consists of a terraced house. The building features a rear outrigger and a conservatory and patio area located to the rear of the building. The proposed development consists of a single storey extension, which would extend beyond the rear wall of the dwelling and from the side of the outrigger.
4. The proposed development was submitted pursuant to the prior notification procedure. This means that it is believed that the proposed development falls within the definition of permitted development and therefore, planning permission is not required. However, prior to commencing development, it is necessary to apply to the relevant Local Planning Authority.
5. In this particular instance, the proposal would represent an extension from both the side and rear elevations from the existing dwelling, for it would be an extension from the side wall of the outrigger. This is in addition to any assessment of the projection from the rear wall of the house. On account of this, a dwelling could potentially have multiple original side elevations.
6. Therefore, for a proposed development to fall within the provisions of permitted development, it would be necessary for the proposed extension to be less than half the width of the original house. In this case, the evidence before me

indicates that the original house consists of the dwelling and the outrigger. given that the proposed extension would extend beyond the side of the outrigger up to the side boundary of the site, this would have a width greater than half of the original dwelling.

7. I acknowledge that the proposed development would replace an existing patio area and conservatory. However, these are either not part of the dwelling, or not original. Therefore, these factors are not relevant to my assessment as to whether the proposed development would fall within the definition of Permitted Development.
8. My attention has been drawn to a previous extension elsewhere. I do not have the full information regarding the planning circumstances of this before me, which means that I can only give it a limited amount of weight. Nonetheless, it is apparent that the existing building of 55 Woodclose Avenue is constructed to a different design to the appeal site. Therefore, it has differently proportioned side and rear elevations.
9. In consequence, the assessment on whether the existing extension fell within the definition of permitted development would be made on different criteria to the appeal scheme before me. In consequence, it is therefore possible that differing conclusions can be reached in respect of this matter. Therefore, the presence of the existing development does not allow me to disregard my previous concerns.
10. I note matters pertaining to the appeal scheme in that the development features a flat roof, would be of materials that complement the existing dwelling; would provide improved living conditions for the occupiers of the dwelling; could deliver improvements to the appearance of the house; and that no objections were received from the occupiers of neighbouring properties. Although matters of note, these do not overcome the assessment as to whether the proposed extension falls within the definition of Permitted Development, as defined by the GPDO, in terms of whether the proposed extension would project beyond a side elevation.
11. I therefore conclude that the proposed development would not represent permitted development as defined by Schedule 2, Part 1, Class A of the GPDO.

Conclusion

12. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR