



Appeal Decision

Site visit made on 24 May 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/N2739/D/22/3310934

Lock House, Haddlesey Flood Lock, Main Street, West Haddlesey, Selby YO8 8QA

- 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 Robin Attrill against the decision of Selby District Council.
 - The application Ref 2022/0876/HEN, dated 19 July 2022, was refused by notice dated 25 August 2022.
 - The development proposed is described as 'erect a larger home extension.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is listed as 'please see Design and Access Statement' which has been clarified on the appeal form as 'erect a larger home extension'. Therefore, the banner heading has been amended to reflect this description and this is the basis on which I have determined the appeal.

Main Issue

3. 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

4. Development is not permitted by Schedule 2, Part 1, Class A of the GPDO (the Order) if the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse or exceed 4 metres in height.
5. Whilst the proposal does not exceed these limits, the Council considers that the extension would not be built beyond the rear wall, but beyond a side elevation of the dwellinghouse.
6. From visiting the site, I was able to see that Lock House is a detached, two-storey, brick-built house which has on the gable elevation facing the adjoining flood locks, a porch extension over an external door, agreed by both parties to be later than the original house. On the opposing gable elevation is a small, modern extension, also built enclosing an external door.

7. The elevation facing the lane and parking area, considered to be the rear elevation by the appellant, has no external doors. The opposing elevation has the remains of a brick-built, rectangular projection with a roof, reputed to be a bay window or porch, which reaches below the cill of the 1st floor window. This has been incorporated into a modern conservatory extension. It is this elevation that is regarded by both parties to have originally been the principal elevation of the house.
8. There are steps leading into the conservatory, and a small area of paving around its base, which is surrounded by a lawn. However, there is no path leading from the conservatory, and so there is no connection to the elevation nearest the parking area and access point to the site. Furthermore, the conservatory does not appear to have any features that would be associated with the front of a house. Instead, it appears to function as a rear conservatory, adjoining the main garden area of the site.
9. The two gable elevations both have external doors. I noted that the one facing the locks had garden pots and planters on the steps suggesting it was less well used. The opposing gable elevation with door mats within the extension, and an area of well-worn hardstanding in front of it, suggests that it is frequently used, being the closest entrance to the parking area.
10. The evidence indicates that the elevation with the conservatory is no longer the front of the dwellinghouse, as it does not function as the main entrance. Consequently, the opposing elevation, on which the extension is proposed, is not the rear elevation, but is a side elevation.
11. Therefore, the proposal would be constructed on a side elevation of the property and as such it would not be permitted development under Schedule 2, Part 1, Class A of the GPDO.

Conclusion

12. 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