



Appeal Decision

Site visit made on 1 June 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/A2280/D/22/3312326

Allemande, Romany Road, Twydall, Gillingham ME8 6JH

- 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 Mr Benjamin Seaden against the decision of Medway Council.
 - The application Ref MC/22/2287, dated 10 October 2022, was refused by notice dated 7 November 2022.
 - The development proposed is rear extension with dimensions of 4.5m depth x 2.8m height and 6.88m length to existing detached property.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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) for a rear extension with dimensions of 4.5m depth x 2.8m height and 6.88m length to existing detached property at Allemande, Romany Road, Twydall, Gillingham ME8 6JH in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO through application ref: MC/22/2287, dated 10 October 2022, subject to the standard conditions laid out at paragraphs A.3 and A.4 of Schedule 2, Part 1 of the GPDO.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form, albeit I have removed elements of wording which are not acts of development.
3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. 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 appellant 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.

Main Issues

5. The main issues are:

- whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted, having regard to Class A of Schedule 2, Part 1 of the GPDO and:
- the impact of the proposed development on the amenity of adjoining premises.

Reasons

Conditions, limitations, and restrictions

6. The application form indicates that the proposal seeks to erect a single-storey extension to the rear of the existing dwelling. It also indicates that the proposal would extend beyond the rear wall of the original dwellinghouse by 4.5 metres, have a length of 6.88 metres, with a maximum height of 2.8 metres.
7. The Council contends that the proposed extension, sited as it would be on the southern elevation, would not be located on the rear elevation of the dwelling as referred to within the application form and documents, but rather the side elevation. Paragraph A.1(j)(iii) of Part 1 states that where 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 of the width of the original dwellinghouse, that the development would not constitute development permitted under Class A.
8. The term 'principal elevation' is not defined in the GPDO. However, the Permitted development rights for householders: Technical Guidance (the Technical Guidance) September 2019 does provide some assistance with the interpretation of the term.
9. The Technical Guidance states that in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It also states that the principal elevation will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house and that usually, but not exclusively, the principal elevation will be understood to be the front of the house.
10. The Technical Guidance indicates that there will only be one principal elevation on a house and that where there are two elevations which may have the character of a principal elevation a view will need to be taken as to which of these forms the principal elevation.
11. In this case, the northern elevation of the appeal property fronts onto Romany Road (the main highway serving the house). Therefore, having regard to the Technical Guidance, it can be considered to front the main highway.
12. I observed at the site visit that entry to the property is taken from doors located on the eastern and western elevations. These elevations also contain windows of varying sizes with little architectural detailing. Two of the windows

serving the eastern elevation are set at a high level and are of relatively small size, indicative of window styles normally found on side elevations of residential dwellings.

13. On the northern elevation, the host dwelling is set back from the road by a garden and driveway. This elevation contains two large windows, a garage door and an access door into the garage. These windows are of a simple design similar to those found on other elevations of the dwelling. I observed that many other dwellings on this section of the road face outward onto the street. Whilst the northern elevation does not share an entrance door fronting the road, it does share similar characteristics with nearby dwellings, including large windows and garages facing the road.
14. Therefore, while I acknowledge that access to the property is taken from eastern and western elevations, the architectural features I observed on site and the relationship the host dwelling shares with the surrounding properties clearly identify the northern elevation as the principal elevation. As such, this northern elevation is understood to be the front of the house.
15. As a result, I find that the proposed development would not extend beyond a wall forming a side elevation of the original dwellinghouse. It would therefore be permitted development within the terms of Schedule 2, Part 1, Class A of the GPDO.

Impact on amenity

16. Having reached my conclusion under my first issue, it is necessary for me to assess the proposed development on the basis of its impact on the amenity of any adjoining premises, as an objection was received during the determination of the application.
17. Whilst the proposed extension would project 4.5 metres beyond the rear elevation of the appeal building, it would be single-storey and have a flat roof, limited relative to the height of the existing dwelling. As a result, it would not appear as an overly dominant or overbearing structure when viewed from the bedroom windows and rooms of nearby properties or from within rear garden areas. These factors would also ensure that levels of daylight were not unduly restricted within these properties or gardens. Furthermore, whilst windows would be located close to the site boundary, they would not give rise to any unacceptable overlooking impacts, given the locations and height of existing boundary treatments.
18. From all the evidence before me as well as my observations on site, I am satisfied that given the siting of the proposed extension, taken together with its limited scale and the distance to its boundaries, as well as the distance to the nearest surrounding properties, there would be no material harm to the amenity of any adjoining neighbours and premises as a result of the proposed extension.
19. The Council is satisfied that the proposed development would not fail the limitations imposed by any other provision of Class A, aside from the instances I have already considered above, and there is no substantive evidence before me that would lead me to reach a different conclusion.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

A Hickey

INSPECTOR