
Appeal Decision

Site visit made on 27 June 2023

by S. Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/J4423/D/23/3317045
196, Bannerdale Road, Sheffield S7 2DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required 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 appeal is made by Miss Carmel Ennis against the decision of Sheffield City Council.
 - The application Ref 22/04150/HPN, dated 16 November 2022, was refused by notice dated 16 December 2022.
 - The development proposed is single storey kitchen extension to rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relates to whether or not the proposal constitutes permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and if so, whether prior approval would be required.

Reasons

3. Class A of Part 1, Schedule 2 of the GPDO sets out what constitutes 'permitted development', that is, development that can be undertaken without planning permission in terms of the 'enlargement, improvement or other alteration of a dwellinghouse' subject to certain limitations and conditions. Where a proposal meets the criteria set out in section A.1, then it is necessary to determine whether prior approval is required as to the impact of the proposed development on the amenity of any adjoining residents.
4. Paragraph A.1(g) states that development is permitted by Class A if the enlarged part of the dwellinghouse would have a single storey and would extend beyond the rear wall of the original dwellinghouse by no more than 8 metres in the case of a detached dwellinghouse, 6m in the case of any other dwellinghouses or exceed 4m in height. In this case the dwelling is a semi-detached property. The proposed rear extension would project 6m from the rear wall of the original dwellinghouse and would be less than 4m high.
5. However, paragraph A.1 (j) (iii) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwelling and have a width greater than

half the width of the original dwellinghouse. Paragraph A.1(ja) advises that development is not permitted if any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).

6. In this case, the dwelling has previously been extended at the side by way of a flat roofed single storey extension, to which the proposed development would be joined. Whilst the proposal would not exceed the width of the previous extension it would project beyond the side wall of the original dwelling by 1.26m, a matter acknowledged by the appellant. Furthermore, it is not disputed that the extension would be wider than the half the width of the original dwellinghouse. Accordingly, the proposal would not comply with the requirements of Class A.1 (j) (iii) and is not therefore 'permitted development'.
7. The appellant suggests that the proposal would not cause harm to the living conditions of adjoining residents, and I note that no objections were raised in that regard. I also acknowledge the appellant's need for additional living accommodation. However, these matters have no bearing on my consideration as to whether the proposal meets the conditions of Class A.1 and are only matters for consideration where prior approval is required or where planning permission is sought.

Conclusion

8. On the basis that the proposal fails to comply with the requirements of Class A.1 (j) (iii) the extension is not permitted by the GPDO 2015. Express planning permission is required for the development and that can only be granted on application made to the local planning authority in the first instance.
9. Given that I have found that the proposal is not permitted development, it is not necessary for me to consider whether prior approval would be required.

S Ashworth

INSPECTOR