



Appeal Decision

Site visit made on 20 June 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/J0540/D/22/3312273

130 Eaglethorpe, Peterborough, Cambridgeshire PE1 3RT

- 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 Bishwa Pariyar against the decision of Peterborough City Council.
 - The application Ref: 22/01439/PRIOR dated 8 October 2022, was refused by notice dated 28 November 2022.
 - The development is described as a proposal to build an extension in the rear for extra room and bathroom. Materials used similar to existing building.
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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 an end of terrace dwelling located in a predominantly residential area. The appeal site consists of a broadly triangular shaped plot. This arrangement is reflected on the neighbouring site, which has also been the subject of a previous side extension
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. Although the proposed extension would be broadly triangular in shape in order to reflect the proportions of the appeal site, the proposed development would project beyond the side elevation of the dwelling.
6. It has been suggested that the proposal would be an extension from the rear wall of the dwelling. However, the dwelling is accessed from an elevation that faces the public realm. This is the front elevation. Behind this elevation, is a further elevation that features several windows that overlook the garden and a

glazed door that provides access into the garden. This is in line with the rear elevations of the adjoining dwellings. Therefore, this wall can be accurately termed as being the rear elevation.

7. The elevation that would be extended links the front and rear elevations. Therefore, irrespective of the description used on the application form, and the fact that the wall features a door that accesses the garden, the elevation that is to be extended can be accurately described as being a side elevation. This occurs even though the garden is accessed via the rear elevation of the dwelling.
8. 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. The evidence before me indicates that the house has not previously been extended to the side. Therefore, I have based my assessment on the dwelling as currently constructed.
9. Therefore, when viewed from the rear of the appeal site, the proposed extension would have a projection from the side wall of the dwelling that would be greater than half the width of the house. Consequently, within the provisions of the GPDO, the proposed extension cannot be permitted development.
10. I recognise that the proposed extension has an irregular footprint. This means that parts of the extension have a projection of less than half of the width of the existing dwelling. Although I have had regard to this, the evidence before me indicates that the proposed development should be assessed on whether the proposed extension, at any point, exceeds the width of half of the dwelling.
11. Therefore, although parts of the proposed extension might fall under this threshold, the development, taken as a whole, would breach the provisions of the GPDO as proposed extension as it would project beyond the maximum threshold for a side extension.
12. I therefore conclude that the proposed development would not represent permitted development as defined by Schedule 2, Part 1, Class A of the GPDO.

Other Matters

13. Concerns regarding the manner in which the Council considered the planning application fall outside of the scope of this decision.

Conclusion

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

Benjamin Clarke

INSPECTOR