



Appeal Decision

Site visit made on 24 October 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/U3935/D/23/3322933

47 Highworth Road, South Marston, Swindon SN34SF

- 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, Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Matthew Sansum against the decision of Swindon Borough Council.
 - The application Ref S/PHOU/23/0377, dated 23 March 2023, was refused by notice dated 27 April 2023.
 - The development proposed is a single storey rear extension.
-

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, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of a single storey rear extension, at 47 Highworth Road, South Marston, Swindon SN34SF in accordance with the terms of the application, Ref S/PHOU/23/0377, made on 23 March 2023, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. The description of development in the banner heading and decision above is taken from the application form; however, I have removed the superfluous words to provide a more concise description of the proposal.

Main Issue

3. The main issue is whether the development is permitted under the above Order.

Reasons

4. Development is not permitted by Schedule 2, Part 1, Class A (j) (iii) of the above Order if 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 the width of the original dwellinghouse. The term 'original' is defined in the GPDO as that which existed on 1 July 1948 or, if built after that date, as so built.
5. The Council assert that the proposed rear extension would fail to constitute permitted development on the basis that it would project beyond an original

side elevation of the dwelling. However, the existing single storey projection to the rear of the appeal property, the side wall of which the extension would project from, is of a different design to and is constructed using different materials to that of the main dwelling. As such, from my observations on site, it appears to be a later addition to the existing dwelling. There is nothing before me to suggest otherwise. I therefore find that the proposed extension would not extend beyond a wall forming a side elevation of the original dwelling.

6. There is no dispute between the parties that the proposal would comply with the remaining parts of the Order. Moreover, the owner or occupier of any adjoining premises have not raised an objection to the proposed development. Accordingly, the proposed extension is permitted under the above Order.

Conditions

7. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the condition that the development must be carried out in accordance with the approved details.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed, and prior approval is therefore deemed to be granted.

E Worley

INSPECTOR