The Planning Inspectorate

Appeal Decision

Site visit made on 7 November 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/B1550/D/23/3315300
Tudor Lodge, St. Johns Drive, Rayleigh SS6 9EU

- 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 Mr Leslie Rawlings against the decision of Rochford District Council.
- The application Ref 16/00199/DPDP1, dated 1 March 2016, was refused by notice dated 16 December 2022.
- The development proposed is single storey rear extension.

Decision

1. The appeal is allowed and prior approval is deemed to be granted for a single storey rear extension at Tudor Lodge, St. Johns Drive, Rayleigh SS6 9EU in accordance with the terms of the application, Ref 16/00199/DPDP1, dated 1 March 2016, and the plans submitted with it.

Procedural Matter

2. There are different versions of the Householder Prior Approval Notification form before me, not all of which appear to be signed or dated. I have referred to the original signed form dated 1 March 2016 and accompanying plans in considering this appeal.

Background and Reasons

3. 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 GPDO), planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions.

4. Under Article 7 and Schedule 2, Part 1, Class A of the GPDO, in the case of a larger single storey rear extension, the local planning authority (LPA) must determine an application within a period of 42 days beginning with the day immediately following that when the application was received. If the LPA does not make a determination or notify the applicant of its decision within the statutory period, prior approval is deemed to be granted.

5. If I find that the Council in this case has failed to refuse the application within the statutory period, I cannot address any questions of lawfulness or about the prior approval matters.

6. I note the Council states the proposal would not comply with the requirements of Class A. The appellant may wish to make an application to the Council under

section 192 of the Town and Country Planning Act 1990 to ensure compliance before starting works.

7. On the evidence before me, the Council did not determine application Ref 16/00199/DPDP1 or notify the appellant of its decision within the statutory period. I therefore conclude the appeal must be allowed and prior approval is deemed to be granted.

Conditions

8. Development under Schedule 2, Part 1, Class A is permitted subject to conditions including, under paragraph A.3, that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior or the existing dwellinghouse.

C Carpenter

INSPECTOR