



Appeal Decision

Site visit made on 16 January 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/T2215/D/23/3324774

4 Pilgrims Way, Dartford, Kent DA1 1QA

- 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 Mizan Chowdhury against the decision of Dartford Borough Council.
 - The application Ref DA/23/00558/PDE, dated 4 May 2023, was refused by notice dated 14 June 2023.
 - The development proposed is 4m single storey rear extension to be added to the existing 4m extension with a maximum height of 4m from ground level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the prior approval application was made “before beginning the development” as required by condition A.4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

Reasons

3. Schedule 2, Part 1, Class A of the GPDO allows the enlargement of a dwellinghouse. However, paragraph A.1(g) stipulates that development is not permitted if the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse.
4. The appeal relates to a detached dwellinghouse. The proposal would extend an additional 4 metres beyond an existing 4 metre single storey rear extension. The overall projection of the proposed extension from the rear wall of the original dwelling would thus not exceed the limitation set out in paragraph A.1(g) of the GPDO.
5. However, condition A.4(2) of the GPDO, which applies to development allowed by paragraph A.1(g), sets out the requirement for the developer to apply for prior approval before beginning the development. Moreover, condition A.4(10) stipulates that the development must not begin before written notice is received from the local planning authority in respect of the application, or the expiry of 42 days following the date on which the information was received by

the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

6. I saw on my site visit that the existing 4 metre rear extension has been substantially complete, though work was clearly still being carried out at the property. Based on my observations on site and the evidence before me, this existing extension appears to be a relatively recent addition to the dwelling and works on this structure commenced before submission of the application.
7. The plans before me indicate that the combined space would provide a larger open plan room with no internal divide, including an extended kitchen and dining area. While the appellant appears to indicate that the existing part of the extension benefitted from permitted development rights, the evidence before me in respect of this matter is unclear. Notably, no formal confirmation of such in the form of a Certificate of Lawful Development (CLD) has been provided.
8. In view of the above, I find that the existing extension would be an integral part of the appeal proposal and, as such, the development to which the appeal relates has already begun. The proposal would therefore fail to comply with the conditions set out in A.4 of the GPDO and thus would not be permitted development pursuant to Schedule 2, Part 1, Class A of the GPDO.

Other Matters

9. The Council has referred to footings for a further extension dug to the northern side of the property. The appellant indicates that these observations were made during the consideration of a previous application, and that this trench was filled prior to submission of the application. The footings described were not readily apparent at the time of my site visit. Even so, given my findings above, this could not lead me to a different conclusion on the main issue.
10. While the proposed extension may not exceed other relevant limitations of the GPDO, including in respect of its height, it must comply with all limitations and conditions to be considered permitted development. Likewise, though the property may not be designated land, a listed building, in a conservation area or a Site of Special Scientific Interest, this does not obviate the requirement to comply with the provisions of the GPDO when seeking prior approval.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Ryan Cowley

INSPECTOR