



Appeal Decision

Site visit made on 10 August 2023 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2024

Appeal Ref: APP/V4630/D/23/3318601

11 Stanfield Road, Walsall, B43 7LR

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Umar Aziz against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 23/0130, dated 11 February 2023, was refused by notice dated 10 March 2023.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal is permitted development and if so whether prior approval should be granted having regard to the effect of the proposed rear extension on the amenity of adjoining properties.

Reasons for the recommendation

4. The Town and Country Planning (General Permitted development) (England) Order 2015 (as amended) (the GPDO) gives 'permitted development' rights for various extensions to domestic properties subject to a prior approval process and various conditions. This means that certain extensions do not require planning permission.
5. The Council has drawn my attention to the conditions set out in A.4 of the GPDO, and in particular A.4(2)(c), which requires the developer to provide to the local planning authority the addresses of any adjoining properties. I note that the only property that was listed in the application form was the attached neighbouring property, and no details were submitted in relation to the other properties that adjoin the site.
6. The Council, rather than turning away the procedurally incorrect application under s327A of The Town and Country Planning Act 1990 (as revised), proceeded to determine the application and conclude in a reason for refusal that the proposal did not meet the conditions set out in A.4 of the GPDO.

Furthermore, and despite this omission, the Council went on to correctly notify all adjoining properties. Under A.4(4) of the GPDO the Council was not required to do this as they had already opted to refuse the application under A.4(3) for failing to comply with the conditions.

7. It is the responsibility of the developer to provide details of the correct adjoining properties, as required by the condition set out at A.4(2)(c), to enable the proposal to be permitted development. In this instance, this procedural requirement was not met. Irrespective of whether the Council then went on to notify the correct properties, on the basis of the information that was submitted to the Council, the proposal cannot be considered to be permitted development as it does not meet the necessary conditions.
8. For this reason, there is no necessity to further consider any of the matters of prior approval relating to the amenity of adjoining properties.

Conclusion and Recommendation

9. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR