



Appeal Decision

Site visit made on 13 February 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal Ref: APP/A2280/D/23/3330069

10 Sir Evelyn Road, Rochester, Medway ME1 3NB

- 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 Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Robert Kyson-Waller against the decision of Medway Council.
 - The application Ref MC/23/1636, dated 20 July 2023, was refused by notice dated 29 August 2023.
 - The development proposed is a single storey brick extension, with a warm tiled pitched roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

Main Issue

3. The main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons

4. The appeal property is a two-storey end of terrace dwelling with two existing single storey projections, a storage building and a WC. The proposal seeks to remove the storage building and replace it with a larger single storey extension adjoining the WC. From the plans submitted with the application, the proposed extension would, at its greatest, measure 3.29 metres deep from the rear elevation of the original dwelling with a maximum height of 3.37 metres and a maximum eaves height of 2.40 metres. It would therefore meet the criteria in paragraph A.1(g) in respect of its depth.
5. Paragraph A.1(j)(iii) states that development is not permitted 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. As the original WC projection has a side elevation from which the proposal would extend from, the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse.

6. The proposed extension would infill the gap between the two existing rear projections and the limitations to permitted development are based on the original dwellinghouse and apply even if part of the original is removed. However, the existing storage building is being replaced by an extension which is greater in height with a pitched roof. Therefore, the enlarged part of the dwellinghouse would be the entire width of the proposed extension. This would have a width greater than half that of the original dwelling.
7. Having regard to all of the above, I conclude that the proposed development would fail to comply with paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Other Matters

8. The appellant has highlighted an appeal decision¹ for a rear extension which was granted prior approval. However, this appeal decision relates to whether the level of excavation required for the proposed extension would fall under permitted development. Therefore, it is not relevant to the appeal proposal before me.
9. The appellant's claims that the Council did not request further information or carry out a site visit are noted. However, this would not have altered the outcome in relation to the GPDO and therefore has no bearing on my consideration of this appeal.

Conclusion

10. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Article 3, Schedule 2, Part 1, Class A of the GPDO. Therefore, the appeal is dismissed.

E Grierson

INSPECTOR

¹ APP/A2280/D/18/3201375