



Appeal Decision

Site visit made on 13 February 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/B1740/D/23/3328026

10 Conifer Crescent, Pennington, Hampshire SO41 8GF

- 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 the 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 Samiel Doe against the decision of the Council of New Forest District Council.
 - The application reference 23/10897 dated 14 August 2023, was refused by notice dated 15 August 2023
 - The development proposed is for a flat roof single-storey rear extension up to 4.36m from the existing house rear wall. External width of 5.85m.
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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.

Preliminary Matters and Main Issue

3. The description of development differs between the application form and decision notice, however both retain the same meaning. I have taken the description from the application form with the superfluous detail omitted.
4. The aforementioned legislative provisions grant a planning permission for an extension to a dwelling, within prescribed dimensions, subject to limitations. One of which being that it cannot extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse. This is the main issue of the appeal.

Reasons for the Recommendation

5. The appeal building is a semi-detached property. The rear elevation on the original property is stepped, with a small 'L' shape, part of which has and therefore forms a side elevation of the dwelling. The development proposed is for a rear extension which would see the projecting element demolished. During my site visit it was evident that there is no external access to this rear projection, however it did appear that an access had previously been blocked up. Regardless of its use internally, it does appear to form part of the original dwellinghouse in this respect, being physically attached and having the appearance of always having been so.

6. In this instance therefore, the proposal would extend beyond the side return, which forms a side elevation, and would also extend the full width of the original dwellinghouse. It would not therefore be permitted by Class A, as identified in paragraph A.1(j) of the order.

Other Matters

7. In the case of the extracts from the two appeal decisions that have been cited, I have not seen the full findings or indeed the plans to which they related. I cannot therefore be certain there are sufficient similarities with the appeal scheme before me to change my conclusions.
8. There are a number of other theoretical situations which might (my emphasis) be acceptable under the prior approval regime included with the appellant's evidence. It may¹ be that an extension that projected from the rear elevation of No 10 Conifer Crescent which didn't demolish or subsume the single storey offshoot would be acceptable. As may one, in isolation or addition, that projected from the offshoot itself. Both would fall to be assessed. Neither situation is however before me. This appeal scheme does not comprise separate elements so there is no 'sum total' width matter to contend with. It remains the case that the appeal scheme would extend beyond a (my emphasis) side elevation of the original dwellinghouse and be more than half its width.
9. I have also been provided with comparisons against other areas of the order but, the scope of my involvement here is to assess the scheme against closed matters and not to balance harms, benefits or perceived precedents. It is perhaps pertinent therefore to make clear the outcome of my recommendation is to confirm, in simple terms, that the scheme at debate would not comply with the above legislative provisions and, as a result, express planning permission would be required. It would then be up to the Council to determine an application made therefore in accordance with the development plan having taken it and any other material considerations into account.

Conclusion and Recommendation

10. For the reasons given above, the appeal scheme would not comply with the description of permitted development as per the relevant class of the aforementioned order. The result of this is to recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR

¹ Subject to assessment against all prior approval exceptions, limitations and any neighbour objections