



Appeal Decision

Site visit made on 1 May 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/Y3615/D/24/3336440

76 Frog Grove Lane, Wood Street Village, Surrey GU3 3HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Andy Miller against the decision of Guildford Borough Council.
 - The application Ref is 23/W/00097.
 - The development proposed is prior notification for a single storey 8.00 metre rear extension, 3.04 metres eaves height and 3.20 metres in height.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing dwellinghouse has been subject to previous extensions and alterations. The most recent planning permission 23/P/00384 principally involved the conversion of the loft space, including new dormers, but also comprised various other works and alterations. The scheme also indicated that a portion of a previous extension, and which forms part of the current kitchen, would be demolished.
3. The drawings submitted with the appeal proposal similarly show the same part of the property as being removed, in accordance with the previous planning permission. During my site visit it appeared that planning permission 23/P/00384 had been implemented and largely completed. However, the part of the building to be removed remained intact.

Main Issue

4. The main issue is whether the development would accord with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

5. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse as permitted development. However, Class A.1. of that Part sets out several circumstances where development is not permitted by Class A. This includes at A.1.(ja) where any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).

6. The Council has refused the prior approval scheme on the basis that it would be attached to previous enlargements and as a combined structure it would exceed some of the limitations set out in sub-paragraphs (e) to (j).
7. The key limitations in this instance are sub-paragraphs A.1.(g)(ii); h(i) and (j)(i)-(iii). These state that the development should not exceed 4m in height; be more than single storey and extend beyond the rear elevation by more than 3m; or extend off a wall forming a side elevation and have a width greater than half the width of the original dwelling.
8. The Council do not explicitly state how the proposal would exceed 4m in height and be more than single storey, other than it would be attached to previous extensions. The appellant queries this finding, particularly as this was not the Council's conclusion on a similar prior approval proposal that was refused as only being contrary to A.1.(j)(iii) i.e. it would extend off a wall forming a side elevation and have a width greater than half the width of the original dwelling.
9. However, putting the issue of the height/storeys to one side, it appears that the part of the building to be demolished and the current proposal are not mutually exclusive. The proposal is therefore reliant upon this demolition occurring in order to accord with the requirements of the GPDO.
10. Consequently, if I were to allow the appeal, I would need to be assured that the demolition would occur prior to the commencement of the rear extension. There is no trigger for the demolition to take place under planning permission 23/P/00384. Whilst I don't doubt the appellants intention to comply with the approved drawings, and I note the preparatory work undertaken to facilitate the demolition, I am also mindful that any approval would not be personal to the appellant. As such, there is not sufficient certainty to conclude that the requisite demolition would occur.
11. I do not consider it would be reasonable to grant prior approval subject to a condition requiring operational works to first be undertaken in accordance with a separate planning permission. To do so would undermine the purpose of the GPDO, which grants permission for works that comply with the specified requirements set out within it. Any such condition would therefore go beyond the scope of the prior approval considerations.
12. As the necessary demolition cannot be secured through the prior approval process, the proposal before me would not accord with the requirements of Schedule 2, Part 1, Class A, Paragraph A.1.(j)(iii). Therefore, even if I were to accept the contention that the development would not be more than 4m in height or comprise more than one storey, it would not change the outcome of the appeal.
13. I note the lack of objections has been highlighted, but that does not override the requirements of the GPDO and my findings.

Other Matters

14. I have not had further regard in this decision to queries over how the Council assessed this application in comparison to the previous prior approval, as this is an administrative matter to be taken up directly with them. I have focused on the main issue of the case.

Conclusion

15. I conclude that the proposal would not be permitted development as provided for by Schedule 2, Part 1, Class A of the GPDO. The appeal is therefore dismissed.

Stewart Glassar

INSPECTOR