
Appeal Decision

Site visit made on 17 May 2024

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 6th June 2024

Appeal Ref: APP/Q4245/X/23/3324880

The Barn, Black Moss Farm, Black Moss Road, Dunham Massey, Altrincham WA14 5RG

- The appeal is made by Emma Thorpe under section 195 of the Town and Country Planning Act 1990 against a refusal by Trafford Borough Council to grant a lawful development certificate.
 - The application Ref: 110471/CPL/23, dated 10 March 2023, was refused by notice dated 13 June 2023.
 - The application was made under section 192(1)(b).
 - The development for which the certificate is sought is "Erection of small single storey rear extension with rooflights to the rear of the property to create a family kitchen area with garden views".
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Decision

1. The appeal is allowed and attached to this decision is a lawful development certificate relating to the operations described in the application, which are considered to be lawful if begun at the time of the application.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the proposed development at the time of the application. The planning merits of the development are not relevant to the appeal and there is no planning application before me.
3. The application was described by the Council in the decision notice as "Erection of single storey rear extension with rooflights, garage conversion and alterations to elevations". It was refused by the Council for the following reason:-

"The proposed development, as shown on drawing numbers 2023-LFL-01-ZZ-DR-A-00- 0004/A5/P05 and 2023-LFL-01-ZZ-DR-A-00-0005/A5/P05 and the 1:1250 red edged plan (all received by the local authority on 10.3.23) would fail to comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). This is because the south-west elevation of the property is considered to be the principal elevation of the original dwellinghouse and the

proposed extension (the enlarged part of the dwellinghouse) would extend beyond this and would therefore fail to comply with Class A (A.1 (e)).”

4. Some of the works described in the Council’s description of the proposed development have since been carried out as permitted development, but the “rear extension” proposed in the application has not been built, pending the determination of this appeal. Confusion has arisen because the application drawings show the “rear extension” being added to the “Front Elevation”. It cannot be at the rear as well as at the front.
5. Development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse. The term “principal elevation” is not defined in the Order, but the Government publication *Permitted development rights for householders: technical guidance* gives the following advice: -

“in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation.”
6. The Barn is a two-storey L-shaped house that is set back from Black Moss Road, which is the only highway serving it. Black Moss Farm house is between part of The Barn and the Road. The Barn has no bay windows or porches. Its letter box is next to the Road.
7. At the time of the application, the main entrances to The Barn were off the shared courtyard on its northern side, which faces the Road, but by the time of my visit the main entrance had been moved to a new door in the south-eastern elevation, next to the main vehicular and pedestrian access to The Barn. The proposed extension would be added to the south-western elevation, which contains patio doors and has an outlook over The Barn’s private gardens.
8. I consider the north-east elevation to be The Barn’s front. This elevation faces the Road. It consists of the northerly gable end of the L-shaped house and the recessed part of the house that fronts on to the courtyard. This is the elevation that is very obvious when the house is viewed from the Road; only a sidelong view of the south-eastern elevation can be obtained from the Road; and the south-western elevation to which the extension would be attached cannot be seen at all from the Road. The extension would therefore be at the rear of the house and the drawings are incorrect when they describe this elevation as the “Front Elevation”.
9. I appreciate the Council’s observation about the appearance of the south-western elevation, but it is normal for houses to have attractive rear elevations facing their patios and private gardens. There is no reason to depart from the advice in the technical guidance that the principal elevation is in most cases the

part of the house which fronts the highway and is usually what is understood to be the front of the house. Accordingly, I have concluded that the north-eastern elevation of The Barn is its principal elevation and that the Council's refusal of the application is not well-founded.

10. The appeal has therefore been allowed and, as required by section 195(2), the appellant has been granted a lawful development certificate under section 192.

D.A.Hainsworth

INSPECTOR