



Appeal Decision

Site visit made on 11 June 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/K0235/D/24/3340216

74 Heronscroft, Bedford, Bedfordshire MK41 9NB

- 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 GPDO).
 - The appeal is made by Mrs Frances Spencer against the decision of Bedford Borough Council.
 - The application Ref is 24/00076/HPN.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions.
3. Paragraph A.4(3) under Class A states the local planning authority (LPA) may refuse an application where, in its opinion, the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A.
4. Paragraph A.4(7) requires the LPA to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
5. The application form before me includes a hand-written amendment dated two days after the original date of the form. I am satisfied this is the version of the form considered by the Council and upon which it based its decision. I shall therefore take account of the amendments on the form in my decision.
6. The appellant's statement includes clarification of the dimensions of the proposed extension and proposed revised materials. The information on dimensions is broadly consistent with the amended application form and plans as submitted. I am therefore satisfied there would be no injustice to the parties by my taking account of this clarification of dimensions in my decision.
7. However, the proposed revised materials would make a substantive difference to the design of the proposal. The 'Procedural Guide: Planning appeals – England' states the appeal process should not be used to evolve a scheme. I find there would be an injustice to parties who have not had an opportunity to comment on the proposed revisions if I were to take them into account.

Consequently, I have based my decision on the proposed materials as set out in the application that was before the Council and upon which notification took place.

Main Issue

8. The Council refused the application because it was not satisfied in relation to the limitations at paragraphs A.1 (g)(ii) and A.1 (i) of Class A. It also found the proposal did not satisfy the condition at paragraph A.3(a), which relates to materials.
9. Therefore, the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Reasons

10. Under paragraph A.1(g)(ii), development is not permitted by Class A if the enlarged part of the dwellinghouse would have a single storey and exceed 4 metres in height. Under paragraph A.1(i), development is not permitted by Class A if the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.
11. According to the hand-written amendment on page 1 of the application form, and as confirmed in the appellant's statement, the ridge height of the extension would be no more than 3.1 metres and the eaves height would be 2.1 metres. This information appears to be consistent with the plans before me. I am therefore satisfied the proposed development would be within the limitations at paragraphs A.1(g)(ii) and A.1(i) of Class A.
12. Under paragraph A.3(a), development is permitted by Class A on condition that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
13. The existing dwellinghouse has white uPVC window frames and hanging concrete roof tiles. The application form and plans submitted with it specify grey window frames and Pewter Grey slate-style roof tiles for the proposed extension, which would not be of similar appearance to those on the existing dwellinghouse. I therefore find the proposed development would not satisfy the condition at paragraph A.3(a). It would be open to the appellant to submit a new application to the Council specifying different materials.
14. Overall, I conclude the proposed development would not be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.
15. As the proposal does not constitute permitted development, it is not necessary for me to assess the impact of the proposed development on the amenity of adjoining premises

Conclusion

16. For the reasons given above the appeal should be dismissed.

C Carpenter

INSPECTOR