



Appeal Decision

Site visit made on 22 July 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/N4720/D/24/3343886

2 Chandos Place, Leeds, West Yorkshire, LS8 1QS

- 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 M Shazad against the decision of Leeds City Council.
 - The application Ref is 24/00991/DHH.
 - The development proposed a larger rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether or not the proposed extension is permitted development and, if it is, whether or not prior approval should be granted.

Reasons

3. The appeal property is an end terraced house that, like the other houses in the terrace, has a relatively narrow single storey rear projection. The front elevation of the property fronts Chandos Place, and its side elevation fronts onto Lidgett Lane. The proposed extension would be located at the rear of the property and would extend beyond the current rear projection in both its depth and width.
4. 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), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
5. Paragraph A.1 (j) indicates 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 –
 - i. Exceed 4 metres in height,
 - ii. Have more than a single storey, or
 - iii. Have a width greater than half the width of the original dwellinghouse.
6. The *Permitted Development for Householders: Technical Guidance (September 2019)* (page 22) provides assistance in the interpretation of what constitutes the side elevation of the property. In the light of this guidance, it can be seen in this case there are two walls that form the side elevation of the appeal

property. These are the main 2 storey wall of the house and the single storey wall of the rear projection that face towards Lidgett Lane.

7. Whilst the proposed extension would not extend beyond the two storey part of the side elevation, it would extend beyond the wall of the existing rear projection that faces towards Lidgett Lane and that forms part of the side elevation of the house. Therefore, the proposal must meet the criteria set out in paragraph A.1 (j) of the GPDO.
8. The proposal would be single storey and would not exceed 4m in height. However, the Council's figures, which have not been disputed by the appellant, show that in this case, the width of the enlarged part of the dwellinghouse would be greater than half the width of the original dwellinghouse. As a consequence, it precludes the proposal from being permitted development under paragraph A.1 (j) of the GPDO, and an application for planning permission is required.
9. For the reasons given above, I conclude that the proposed extension is not permitted development, so the need for prior approval does not arise, and that the appeal should be dismissed.

Alison Partington

INSPECTOR