



Appeal Decision

Site visit made on 16 July 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2024

Appeal Ref: APP/T3725/D/23/3334441

63 Kempton Drive, Warwick CV34 5FT

- 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, 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 Patil against the decision of Warwick District Council.
 - The application Ref is W/23/1409.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3 and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension at 63 Kempton Drive, Warwick CV34 5FT in accordance with the terms of the application ref: W/23/1409, subject to the conditions set out in section A.3 of Class A and the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Map Scale 1:1250@a4 63 Kempton Drive, Warwick, CV34 5FT; Block Plan Scale 1:500@a4 63 Kempton Drive, Warwick, CV34 5FT; drawing by Emerald Home Improvements dated 13/6/2023 showing plan view, left view, right view and front elevation.

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. At the time of my site visit, trenches had been dug to the rear of the property in preparation for what might be foundations. However, there is no evidence before me to conclusively state that they relate specifically to the appeal scheme and thus cannot be certain that works in respect of it have begun. I have therefore proceeded on the basis that a scheme for prior approval can still be considered.
 4. Under the above-mentioned legislative provisions, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.1.(j)(iii) states that a proposal would not be permitted development if the enlarged part of the dwellinghouse would extend beyond a
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wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse. This has formed the main issue of the appeal.

Reasons for the Recommendation

5. The Permitted Development Rights for Householders Technical Guidance (2019) states that the restrictions on extensions beyond rear and side walls will both apply where an extension fills the area between the side elevation and a rear wall. The proposed extension would project beyond the rear elevation of the property, however it would not be physically connected to the side wall of the garage. A gap would remain. As such the extension would not completely fill the area between the side elevation and a rear wall. The proposal would therefore not extend beyond a wall forming a side elevation for these purposes and would therefore satisfy the requirements of paragraph A.1.(j).
6. The Council does not state that the proposal would not meet any of the other limitations set out in Paragraph A.1. and based on the evidence before me I have no reason to disagree.
7. Paragraph A.4.(7) sets out that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. The Council's officer report confirms that no such objections have been received and, consequently, prior approval would not be required.

Conditions

8. Standard conditions are set out in paragraph A.3 of Class A and, for the avoidance of doubt, a condition should also be imposed requiring that the development be carried out in accordance with the correct approved plans.

Conclusion and Recommendation

9. The proposal would satisfy the requirements and limitations set out in Article 3, Schedule 2, Part 1, Class A of the GPDO, and prior approval would not be required. I therefore recommend that the appeal should be allowed, subject to the standard conditions set out in paragraph A.3 of Class A and to the condition specified above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's recommendation and on that basis prior approval is not required and the appeal is allowed subject to the standard conditions referred to and the additional condition specified above.

John Morrison

INSPECTOR