



Appeal Decision

Site visit made on 9 October 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Appeal Ref: APP/Q4625/D/24/3348670

Benton Lane Farm, Benton Green Lane, Berkswell, Solihull CV7 7AY

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr S Bird against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/00583/PNH.
 - The development proposed is a ground floor rear extension measuring 8m beyond the original rear wall, at a maximum height of 4m, and measuring 2.6m at the eaves.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a ground floor rear extension measuring 8m beyond the original rear wall, at a maximum height of 4m, and measuring 2.6m at the eaves at Benton Lane Farm, Benton Green Lane, Berkswell, Solihull CV7 7AY in accordance with application Ref PL/2023/02442/PNH and the details submitted with it including plan nos. (10)M-101, P01(10)M-401, P01(20)O-401, P01(25)M-401 and P01(25)M-402, pursuant to Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Preliminary Matters

2. 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.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

4. I consider that the main issue in this appeal is whether the proposal would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. The proposal would be attached to the side wall of the dwelling and would extend beyond its rear wall. In such circumstances the proposed extension is subject to the restrictions that apply to side walls as well as those that apply to rear walls.
6. The Council is satisfied that the proposal meets the limitations set out at paragraph A.1(j) relating to side extensions and I have been presented with no evidence that would suggest otherwise. However, the Council asserts that the proposal does not accord with the limitations set out at paragraph A.1(g)(i), relating to rear extensions. Such limitations allow extensions beyond the rear wall of the original dwellinghouse by up to 8 metres in the case of a detached dwellings.
7. I acknowledge that the proposal would extend more than 8 metres when measured from the rear elevation of the utility, however that is an extension to, and not part of, the original dwellinghouse. As such, the distance the proposal would extend beyond the rear wall of the utility is not pertinent to this assessment.
8. According to the submitted plans, the proposal would extend 8 metres beyond the rear wall of the part of the original dwellinghouse to which it would be attached. Consequently, the proposal would be within the limitations set out at paragraph A.1(g)(i). In reaching this conclusion, I have had regard to the extract, provided by the Council, from the Ministry of Housing, Communities and Local Government 'Permitted development rights for householders: technical guidance'. However, the extension shown in the extract is beyond the rear wall of part of the original house. It therefore differs from the circumstances of the proposal before me and does not alter my findings.
9. I therefore find that the proposal would be permitted development within the provisions of Schedule 2, Part 1, Class A of the GPDO. No objections were received from neighbouring occupiers, therefore prior approval is not required.

Conditions

10. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in paragraphs A.3 and A.4. No further conditions are necessary.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed and prior approval is not required.

Elaine Moulton

INSPECTOR