



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: 23 October 2024

Appeal Ref: APP/Q4625/D/24/3341009

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 Tyler Parkes against the decision of Solihull Metropolitan Borough Council.
 - The application ref is PL/2023/02442/PNH.
 - The development proposed is a ground floor rear extension measuring 7.75m 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 7.75m 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, (10)M-401, (20)O-401, (25)M-401 and (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 is considered 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 limitations set out in paragraph A.1(g)(i) allow extensions beyond the rear wall of the original dwellinghouse by up to 8 metres in the case of a detached dwelling. The Council asserts that as the original rear wall of the dwellinghouse has been demolished and rebuilt, the proposed development would not comply with such limitations as it would not extend from the original rear wall.
6. The term 'original' for the purposes of the GPDO means a building as it existed on 1st April 1948. Where there is a 'missing piece' of the original dwellinghouse, as in this case, it is for the decision maker to ascertain from the available evidence what the original dimensions were at that date. In this regard, the appellant has indicated that the existing rear wall was constructed on the same line as that of the original dwellinghouse. This is not disputed by the Council, and there is nothing within the evidence before me to suggest otherwise. As such, the existing rear wall should be treated as part of the original dwellinghouse for the purposes of paragraph A.1(g)(i) of the GPDO.
7. From the submitted information, the proposal would extend beyond the rear wall, by 7.75 metres. Accordingly, it would be within the limitations set out in paragraph A.1(g)(i).
8. 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

9. 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

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

Elaine Moulton

INSPECTOR