



Appeal Decision

Site visit made on 26 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/J4423/D/24/3346086

21 Springfield Avenue, Sheffield S7 2GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Worsley against the decision of the Sheffield City Council.
 - The application 24/01004/HPN.
 - The development is to demolish existing rear extension and for new single storey rear extension to form kitchen.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposed extension would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).

Reasons

3. Permitted development rights granted through the GPDO are subject to a number of conditions and limitations, including those set out at paragraph A.4 of Part 1, Class A, of Schedule 2.
4. The Council determined that the proposed rear extension fails to meet Part A.1(j) (iii) of Schedule 2, Part 1, Class A of the GPDO.
5. The relevant restriction under Part A.1(j), states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and have a width greater than half the width of the original dwellinghouse.
6. The original dwellinghouse is defined in the GPDO as the house as it existed on 1st July 1948 or if built after this date, as so built.
7. The Council highlight in their Officer Report that any extension which projects beyond the side elevation of an original offshoot element must be assessed as a side extension. I agree.

8. The Technical Guidance¹ indicates that a wall forming a side elevation will be any that cannot be identified as being a front wall or a rear wall. The side wall of the rear offshoot cannot be identified as a front or rear wall and therefore, is a side wall.
9. The side wall of the rear offshoot, on the ground floor, would be demolished as part of the works to the dwelling. Nonetheless, the side wall of the offshoot could still be considered as part of the original dwellinghouse, even though it would be demolished.
10. The Council content that single storey offshoots are a common characteristic of properties in the area and therefore may be original features. Whilst this maybe the case during my site visit, I observed that the brickwork associated with the existing offshoot is significantly different to the original property and even if part of the 'as built' dwelling has at some time in the past been rebuilt.
11. Both parties have had the opportunity to provide clarification on whether the existing offshoot is part of the original dwellinghouse as defined by the GPDO. If the property were built after 1948, it is clear from the brickwork difference that the offshoot would not form part of the original 'as built' building. Notwithstanding this I have not been provided with confirmation of the date the house was built nor a date when the offshoot was rebuilt.
12. I have also not been provided with substantive evidence to confirm that the offshoot is not deemed 'original' i.e. present on the property prior to 1948.
13. Consequently, the extension extends beyond the side elevation of the rear offshoot and would have a greater width than half the width of the original dwellinghouse.

Conclusion

14. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR

¹ Technical Guidance: Permitted Development for Householders (Published 2017) page 23