



Appeal Decision

Site visit made on 13 November 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2024

Appeal Ref: APP/C1950/D/24/3345261

12 Homestead Road, Hatfield, Hertfordshire AL10 0QL

- 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 Nouradine Ramdani against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2024/0516/PN8.
 - The development proposed is single story rear extension with flat roof.
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Decision

1. The appeal is dismissed.

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 Order), planning permission is granted for the enlargement, improvement or alteration 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 – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. During my visit I was able to see the relevant parts of the appeal site from beyond the site boundary and from within the appeal site undercroft.

Main Issue

5. The main issues are whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the Order and, where necessary, the effect of the proposed development on the amenity of all adjoining premises.

Reasons

6. Development is not permitted by Schedule 2, Part 1, Class A of the above Order if the enlarged part of the dwellinghouse would extend beyond a wall

forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.

7. The appeal property is a terraced dwelling with a single storey rear outrigger. Though describing it as an outbuilding, the appellant confirms the outrigger to have been built with the house. I saw that the outrigger is connected to the house by way of its roof, an arrangement that is common locally. Taking this into account, on the balance of probabilities, the outrigger is part of the original dwellinghouse¹ and the side wall of the outrigger is a side wall of the original dwellinghouse, therefore.
8. The appeal proposal involves the removal of the outrigger and the erection of a rear extension more than half the width of the original dwellinghouse. Even if the outrigger were removed, its existing side wall would nevertheless still be a side wall of the original dwellinghouse, and the proposed development would extend beyond it.
9. I therefore conclude that the proposed extension is not permitted development under the above Order. As the proposal does not constitute permitted development there is no requirement for me to consider the effect of the proposal on neighbouring amenity of all adjoining premises or to assess it against planning policy.

Other Matters

10. The appellant has provided an explanation of their need for the proposed development and set out the merits of the development as they see them. Neither have been material in my determination, as they do not affect whether or not the proposal constitutes permitted development.
11. The appellant has cited a decision to grant prior approval at a different site² as well as the presence of rear extensions to dwellings at Broad Acres and Days Close, in Hatfield. I have no evidence that the cited prior approval involves the same or similar circumstances as the appeal, and no evidence that any of the extensions on Broad Acres or Days Close result from prior approval. As such, neither have been material in my determination.

Conclusion

12. For the reasons given above the appeal is dismissed.

A Knight

INSPECTOR

¹ The Order defines 'Original' as a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.

² Application Ref 6/2023/1923/PN8.