



Appeal Decision

Site visit made on 13 November 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2024

Appeal Ref: APP/P4605/D/24/3347655

14 Oakmeadow Close, Shard End, Birmingham B33 0AQ

- 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 Mr Stefan Miron against the decision of Birmingham City Council.
 - The application Ref is 2024/03428/PA.
 - The development proposed is the erection of a 4 meter deep single storey rear extension. Maximum height 3.4 meters, eaves height 2.5 meters.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal the appellant indicated a new drawing would be provided. However, it is important that I consider this appeal based on the plans which were before the Council and on which it made its decision. I have proceeded accordingly.
3. For the avoidance of doubt the description of development above is taken from the decision notice and appeal form as this is the most accurate version provided.

Main Issue

4. The main issue is whether the proposal constitutes permitted development.

Reasons

5. 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.
6. The proposed extension would exceed the limits in paragraph A.1(f) in respect of its projection beyond the rear wall of the original dwellinghouse, however it would fall within the limit in paragraph A.1(g). As such, an application was made to the Council for prior approval.
7. However, the Council's concerns in this case appear to centre on whether the proposal meets the limitations in paragraph A.1(j), which states that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse.

8. Paragraph A.1(ja) goes on to state that any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).
9. The appeal property is a two-storey end of terrace dwelling which appears to have non-original side and rear extensions. In accordance with paragraph A.1(ja), as the proposed extension would be joined to the previous enlargements which are positioned to the side and rear of the host property, the size of the total enlargement would have a width greater than half the width of the original dwellinghouse, thus it would exceed the limit set out in A.1(j)(iii).
10. Accordingly, the proposal does not constitute permitted development.

Conclusion

11. The proposal is not permitted development under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO as applied for, thus the appeal should be dismissed.

H Ellison
INSPECTOR