



Appeal Decision

Site visit made on 18 December 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/C3620/D/24/3345549

Cleavers, Clayhill Road, Leigh, Surrey RH2 8PB

- 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 D Bonham against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/0450/PNHH.
 - The development proposed is single storey rear extension, 8m deep.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr D Bonham against Mole Valley District Council. This application is the subject of a separate decision.

Preliminary Matters

3. A certificate of lawfulness has been issued for a single storey side extension¹ (PD side extension). A decision was also issued that prior approval was not required for a rear extension which would extend for the majority of the width of the two storey part of the house and would be 8m deep² (Approved PA rear extension). At the time of the application and my site visit these extensions had not been built.

Main Issue

1. This appeal relates to an application for prior approval. However, there is dispute between the main parties as to whether the development would be permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) subject to compliance with all relevant limitations and conditions.
2. Therefore, the main issue is whether the proposed development would be permitted by Schedule 2, Part 1, Class A of the GPDO.

Reasons

3. The appellant is clear that the application that is the subject of this appeal proposes an extension to the rear of the property that is proposed to be attached to the PD side extension.

¹ LPA ref: MO/2024/0434

² LPA ref: MO/2023/0173

4. Although the PD side extension has a certificate of lawfulness, it has not been built. As such, at the time of this decision, it cannot be extended. Consequently, the appeal scheme proposes a structure which is not attached to any part of the existing building, notwithstanding whether or not that part of the building is original.
5. Class A covers the enlargement, improvement or other alteration of a dwellinghouse, and the Permitted development rights for householders: technical guidance (2019) (technical guidance) provides further clarity that this covers works such as rear or side extensions. The proposed development is not attached to any existing part of the dwelling, therefore in the circumstances of this case it would not fall to be considered under Class A. Nor is there evidence that it would be permitted development under any other class.
6. There is nothing before me that gives sufficient assurances that these works would take place in the manner and order suggested. Moreover, this appeal must be determined with regard to the circumstances at the date of the appeal decision, not a possible future scenario where the side extension has been constructed.
7. Therefore, for the reasons set out above, the proposed development would not be permitted by Schedule 2, Part 1, Class A of the GPDO.

Other Matters

8. The scheme under consideration was not for the combined PD side extension and appeal scheme. Therefore, I have not assessed such a scheme against the requirements of the GPDO or the technical guidance.
9. For the reasons set out above the appeal scheme is not permitted development. Therefore, it is unnecessary to proceed to consider the prior approval matters.

Conclusion

10. For the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR