



Appeal Decision

Site visit made on 19 November 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/Q1445/D/24/3345223

51 Applesham Avenue, Hove, Brighton & Hove BN3 8JJ

- 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 Antony Sadler against the decision of Brighton and Hove City Council.
 - The application Ref is BH2024/00906.
 - The development proposed is 4m rear extension with pitched roof, redland 49 tiles to match existing, 2 velux windows, 4m bifold door to rear elevation.
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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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

Main Issue

3. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 1, Class A of GPDO.

Reasons

4. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement of a dwellinghouse subject to limitations and conditions. Criterion A.1(j) states that the 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 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.
5. The appeal property is a two-storey semi-detached dwelling with a single storey outshot projecting from its rear elevation. In my site visit I observed that many other neighbouring properties within Applesham Avenue also display this design feature and I note that the Officer Report has not identified any relevant planning history for this property. For these reasons, it is highly likely that the outshot is an original part of the dwellinghouse.

6. The Permitted Development Rights for Householders - Technical Guidance (2019) explains that a wall forming a side elevation of a house is any wall which cannot be identified as a front wall or rear wall. Because of the rear outshot, the proposal would extend beyond a wall forming a side elevation of the original dwellinghouse. As the proposal would extend across the full width of the rear elevation, it would have a width greater than half the width of the original dwellinghouse.
7. On the basis of the evidence before me, the proposal that would not accord with criterion A.1(j) of Part 1 of Class A. Consequently, the proposed development would not be permitted development under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Other Matters

8. Reference is made to other extensions built in the surrounding area. However, my determination rests on the criteria set out in the GPDO, so these other examples have no bearing on my decision.

Conclusion

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

P Terceiro

INSPECTOR