
Appeal Decision

Site visit made on 19 February 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/D1590/D/24/3348531

9 North Street, Leigh-on-sea, Southend-on-Sea SS9 1QE

- 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 Clark Henry-Brown against the decision of Southend-on-Sea City Council.
 - The application Ref is 24/00851/GPDE.
 - The development proposed is erect single storey rear extension, projecting 5.2m beyond the existing rear wall of the dwelling, with a maximum height of 3.0m.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A (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.
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.

Main Issue

4. The main issue is whether the proposed extension would be granted planning permission by Class A of the GPDO.

Reasons

5. The proposed extension would infill the gap between the existing outrigger and the boundary with 8 North Street (No 8). It would also increase the height of the single storey element of the outrigger. Although the proposed extension would not be a full height wraparound extension, at the roof level it would be L-shaped.
6. The proposed extension would extend beyond the flank wall of the original rear outrigger which is a wall forming a side elevation of the original dwellinghouse. Moreover, where the roof height of the single storey element would be increased

the proposed extension would have a width greater than half the width of the original dwellinghouse. For these reasons, the proposed extension would fail to comply with A. 1(j)(iii) of Class A of the GPDO.

7. The appellant has indicated that the roof height of No 8's single storey outrigger was increased utilising permitted development rights and that without the proposed extension, No 8's extension is overbearing and causes a loss of light. In addition, the Council has indicated that it would not usually grant planning permission for a side extension which infills a well formation. As such, the appellant has concerns with the consistency of decision making by the Council. The appellant also contends without the proposed extension the value of their property would reduce due to No 8's extension.
8. However, I have assessed the appeal proposal against the limitations and conditions set out within Class A of the GPDO. There are no provisions within Class A of the GPDO which allows me to consider the factors highlighted by the appellant. Therefore, they have not altered my assessment of the appeal proposal.
9. As the proposal would not comply with the condition set out under A. 1(j)(iii), the proposed extension would not be granted planning permission by Class A of the GPDO.

Conclusion

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

J Hobbs

INSPECTOR