



Appeal Decisions

Site visit made on 4 February 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal A Ref: APP/H1515/D/24/3352445

Churchwood, Ongar Road, Stondon Massey, Essex, CM15 0LD

- 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 Tom Cornett against the decision of Brentwood Borough Council.
 - The application Ref is 24/00488/PN42.
 - The development proposed is described as single storey rear extension extending out 8 metres of the original rear wall of the house.
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Appeal B Ref: APP/H1515/D/24/3352450

Churchwood, Ongar Road, Stondon Massey, Essex, CM15 0LD

- 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 Tom Cornett against the decision of Brentwood Borough Council.
 - The application Ref is 24/00488/PN42.
 - The development proposed is described as single storey rear extension.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 12 February 2025.

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters and Main Issue

3. 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.
4. The application submitted by the appellant was made to determine if prior approval is required for the proposed extension under Schedule 2, Part 1, Class A of the GPDO. The Council's decision notice states that prior approval is required and that it is the decision of the local planning authority to refuse the submitted details of the scheme because, in its opinion, the proposed extension would not be located on the rear elevation of the dwelling.

5. 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 with the conditions, limitations or restrictions that are applicable to such permitted development.
6. As set out above there are two appeals on the same site. They differ in terms of the size of the projection; however, the main issue remains the same for both appeals. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
7. Having regard to the above therefore, I consider that the main issue is whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO and, if so, whether prior approval is required.

Reasons

8. The appeal property is a detached two-storey dwellinghouse set within a substantial plot. The host property has been previously extended.
9. In respect of Appeal A, the application form indicates that the proposal would extend beyond the rear wall of the original dwellinghouse by 8 metres (m) with a width of 6.47m, an eaves height of 2.62m and a maximum height of 2.97m.
10. In respect of Appeal B, the application form indicates that the proposal would extend beyond the rear wall of the original dwellinghouse by 8m with a width of 4.42m, an eaves height of 2.62m and a maximum height of 2.97m.
11. The Council contends that the proposed extension, in both Appeal A and B, would not be located on the rear elevation of the dwelling as referred to within the application form and documents, but rather the principal elevation. As a consequence, it is contended that, in this respect, that both extensions would be precluded from being permitted development under the provisions of paragraphs A.1(e) and A.1(g) of Class A of Schedule 2, Part 1 of the GPDO, and an application for planning permission is required.
12. Paragraph A.1(e) of Class A of Schedule 2, Part 1 of the GPDO indicates that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall which – i. forms the principal elevation of the original dwellinghouse; or ii. fronts a highway and forms a side elevation of the original dwellinghouse. In this circumstance having regard to paragraph A.1(e) of Class A of Schedule 2, Part 1 of the GPDO it is necessary to consider what forms the principal elevation of the original dwellinghouse.
13. The term ‘principal elevation’ is not defined in the GPDO. However, the permitted development rights for householders: Technical Guidance (the Technical Guidance) September 2019 published by the Ministry of Housing, Communities and Local Government does provide some assistance with the interpretation of the term.
14. The Technical Guidance states that in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the

house concerned). It also states that the principal elevation will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house and that usually, but not exclusively, the principal elevation will be understood to be the front of the house.

15. The Technical Guidance indicates that there will only be one principal elevation on a house and that where there are two elevations which may have the character of a principal elevation a view will need to be taken as to which of these forms the principal elevation.
16. In this case the eastern elevation of the appeal property fronts onto Ongar Road. Therefore, having regard to the Technical Guidance it can be considered to front the main highway. The Council accepts this. However, it contends that the eastern elevation of the appeal property does not contain the main architectural features of the dwelling and does not provide access to it and cannot therefore be considered the principal elevation.
17. The host property has been extended on numerous occasions. The Council states that no original drawings are held for the property. Nevertheless, they indicate that the earliest record details the provision of an access drive to the dwelling¹ creating a semi-circle with the dwelling positioned within the centre where drawings clearly indicate the main entrance to the dwelling is positioned on the west elevation where a canopy lean-to porch existed serving the main entrance to the dwelling leading directly into the existing entrance hall. Whilst the Council refers to photographs contained with application 96/0292/FUL and drawing PN42, such documentation is not before me. To reach a conclusion on what comprises the principal elevation is therefore a matter which requires judgement based on the evidence before me.
18. Despite its orientation towards the highway, the doorway to the eastern elevation is half-glazed and leads onto a utility room and kitchen, which is understood to be a later addition. A relatively small, paved area and bin store are located adjacent to the doorway. In contrast, the western elevation, despite its orientation away from the highway, includes the main architectural features of the dwelling. In particular a porch and formal doorway leading to a hall with a dining and sitting room either side and stairway. Furthermore, I observed bay windows serving habitable rooms.
19. A large driveway lies to the west of the property with a lawned area beyond, contained by an extensive wooded area. Whilst I recognise that the rear of a property might generally look out onto the main garden and include patio doors, in this circumstance the relationship of the main architectural features of the property when considered with the layout of the driveway and associated amenity areas, leads me to conclude, on the balance of probability, that the western elevation is the principal elevation of the property.
20. Accordingly, in having regard to the Technical Guidance and the evidence before me, I conclude that the western elevation is the principal elevation. Consequently, it precludes the proposal, which would extend beyond a wall which forms this elevation from being permitted development under paragraph A.1(e) and paragraph A.1(g) of the GPDO and an application for planning permission is required.

¹ Application ref EPO/326/73

Conclusion

21. For the reasons given above, I conclude that the proposal in both Appeal A and Appeal B is not permitted development, so that the need for prior approval does not arise, and that the appeal should be dismissed.

R Gee

INSPECTOR