



Appeal Decision

Site visit made on 19 February 2025

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2025

Appeal Ref: APP/M2840/X/24/3337442

60 Market Road, Thrapston, North Northamptonshire NN14 4JU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr George Groenland against the decision of North Northamptonshire Council.
 - The application ref NE/23/01241/LDP, dated 28 November 2023, was refused by notice dated 16 January 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is described as “small 2m x 2.3m extension which will end in line with terraced neighbours property”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the appellant’s concerns that the Council acted unreasonably in their decision-making, as they did not request, nor give opportunity to provide any extra evidence. Whilst I agree that greater engagement would have been helpful, the Planning Practice Guidance (PPG) explains¹ that the applicant is responsible for providing sufficient information to support an application.
3. The PPG also states that an application needs to describe precisely what is being applied for and the land to which the application relates and that without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced.

Main Issue

4. The main issue is whether the Council’s decision to refuse to issue a LDC was well-founded. From the evidence before me, that turns on whether sufficient information has been submitted to demonstrate that the extension would have been lawful on the date of the LDC application on the basis that it would have been granted planning permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

¹ Paragraph: 006 Reference ID: 17c-006-20140306

Reasons

5. Subject to limitations and conditions, Article 3 and Schedule 2, Part 1, Class A of the GPDO grant planning permission for the enlargement, improvement or other alteration of a dwellinghouse.
6. The issue in dispute relates to limitation A.1(f) which states, for the purposes of the appeal property, that development is not permitted by Class A if the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) exceed 4m in height.
7. The appeal relates to a two storey link dwelling with single storey rear projection (to use a neutral term). No existing or proposed floor plans or elevations have been submitted in support of the appeal, so, like the Council, I have to rely on what is described.
8. The description of the proposal set out in the application form is “Small 2m x 2.3m extension which will end in line with terraced neighbours property”. Although the grounds for the application further explain that the extension would be single storey, height dimensions are not provided, so there is no clarity as to whether the extension would exceed 4m in height. As part of the appeal submission, it is explained that the eaves would match those on the original dwellinghouse, but again that does not confirm that the height would not exceed 4m.
9. The appellant explains that the brick used will match the brick on the original dwelling and the roof will look the same as the original single-storey rear projection. For the purposes of the matters before me, that explanation is ambiguous insofar as it relates to the roof. It is likely, having regard to the first part of the sentence, that the appellant is intending to convey that the roofing materials would look the same as the existing, rather than that the profile and height of the roof would match that of the existing, thereby likely falling within the 4m limitation. If I am wrong, and the appellant is intending to convey the latter as well, then the explanation is insufficiently precise and ambiguous for that purpose.
10. The application was supported by photographs of the rear of the dwellinghouse. Those show that the back wall of the rear projection does not extend as far as that of the neighbouring property at No 58 Market Road. I assume that the intention is to infill the space with an extension which matches the size and profile (height and width) of the existing rear projection and running to the same length as that at No 58. However, that isn't precisely described or specifically confirmed, and no plan is provided showing the precise siting, nor are dimensions provided of the existing rear projection to confirm how the proposed 2m x 2.3m extension would relate to it. Consequently, I am required to make assumptions about what exactly is proposed.
11. I appreciate that it will no doubt be clear to the appellant as to what is proposed, nevertheless, the PPG explains², in addition to the above, that in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. The information provided does not meet that expectation for the reasons explained.

² Paragraph: 006 Reference ID: 17c-006-20140306

12. The appellant believes that the proposal would be permitted development because the extension would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres. For the purposes of the GPDO, “original” means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.
13. The appellant explains that since receiving the decision notice, he has removed a brick from the rear of the house and compared it to one from the front of the property. Again, I’m left to assume the brick from the rear of the property has come from the single storey projection, rather than the main two storey building. Pictures of two bricks are provided, both of which are stamped with the manufactures name. Although not revealed in full, it is likely that the manufacturers name stamped on both is ‘The Metropolitan Brick and Tile Co.’ from Lrthlingborough. Historical information provided indicates that manufacturer probably did not survive beyond 1910.
14. Therefore, on the basis that the brick taken from the rear of the property is from the single storey part, it is more likely than not, that the ‘original dwellinghouse’, as it existed on 1 July 1948, included that rear projection. That position is reinforced by the existence of similar rear projections at the neighbouring properties, particularly the adjoining property at No 62 Market Road, which is built on the same building line and has what appears to be a matching rear projection, reflecting that shown on the Land Registry Title Plan. The proposed dimensions would therefore fall within the size limitations of A.1(f)(i).
15. However, as explained, insufficient information has been provided to demonstrate that the proposed extension would meet limitation A.1(f)(ii) and other relevant limitations, notably A.1(j), given my finding that the existing rear projection forms part of the original dwellinghouse.
16. I understand that my decision will be disappointing to the appellant, but it remains open to him to submit a fresh application addressing the deficiencies identified, although I do appreciate that may involve additional expense through payment of a fee.
17. I therefore find that insufficient information has been submitted to demonstrate that the extension would be granted planning permission by the GPDO, on the balance of probabilities.

Conclusion

18. I conclude that the Council’s refusal to grant an LDC was well-founded and the appeal should fail. I will exercise accordingly the powers transferred to me in s195(3) of the Act.

Richard S Jones

INSPECTOR