



Appeal Decision

Site visit made on 15 April 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Appeal Ref: APP/W4325/D/24/3351124

24 Sandringham Avenue, Hoylake CH47 3BZ

- 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 Mrs Beverley Price against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is RESX/24/00953.
 - The development was originally described as "Single story extension to the side. This will be level with the front elevation and level with the main building of the rear elevation. Mono pitched tiled roof. Rear single story extension for almost the full width. This will be in line with the existing rear single storey projecting building in line with the gable wall. It will project 3.545m from the main building. Mono pitched tiled roof."
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mrs Beverley Price against Wirral Metropolitan Borough Council. This is the subject of a separate decision.

Preliminary Matters

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.

Main Issue

4. The main issue is whether the development would be permitted under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Reasons

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(10) states that the development must not begin before the occurrence of one of the following – (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required; (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or (c) the expiry of 42 days following the date on which the information referred to in sub-paragraph

(2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

6. Scenarios (a), (b) or (c) have not occurred. During my site visit, I observed that the development has been constructed as per the proposed elevation and ground floor plans shown on the application plans¹. Consequently, the development does not comply with the condition set out within paragraph A.4(10) of Schedule 2, Part 1, Class A of the GPDO.
7. Even if, the extension did not extend beyond a side elevation and the width of the extension did not exceed half the width of the original dwellinghouse, the extension would not be granted permission for the reasons given above. Therefore, it is not necessary for me to consider this matter further.
8. Dismissing the appeal could interfere with the appellant's rights to peaceful enjoyment of their possessions, under Article 1 of the First Protocol of the Human Rights Act 1998 (HRA). However, this is a qualified right; interference with it, in this instance, would accord with the law, as outlined above. My findings are in accordance with Section 6 of the HRA, where it states that it is unlawful for a public authority to act in a way which is incompatible with a Convention right.
9. Overall, I conclude that the development would not be permitted under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Conclusion

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

J Hobbs

INSPECTOR

¹ Existing Plans Drawing No. 1 Rev: -