



Appeal Decision

Site visit made on 29 April 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/D1590/D/25/3360209

9 Redstock Road, Southend-on-Sea SS2 5DJ

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs McAuliffe against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 24/02036/GPDE.
 - The development proposed is rear extension
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a rear extension at 9 Redstock Road, Southend-on-Sea, SS2 5DJ in accordance with the terms of the application, Ref 24/02036/GPDE and the details submitted with it including plan MA215-A002 Rev A.

Background and Main Issue

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

Reasons

4. Development is not permitted by Schedule 2, Part 1, Class A (j) (iii) of the GPDO if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. The term 'original' is defined in the GPDO as that which existed on 1 July 1948 or, if built after that date, as so built.

5. The Council assert that the proposed rear extension would fail to constitute permitted development on the basis that it would project beyond an original side elevation of the dwelling. However, the existing single storey projection to the rear of the appeal property, the side wall of which the proposed extension would project from appears to be a later addition to the existing dwelling.
6. The Council accept that the existing single storey projection to the rear of the appeal property is not an original feature. The Council suggest that it replaced a bay window that was part of the original dwellinghouse, although I have no planning history, photographs, plans or any other details that evidence this, or the original plan form or elevational detail of the original bay window.
7. Whilst in the rear garden at the appeal property I did note the presence of a single storey bay window at two of the dwellings within the vicinity, however, I could also see that many of the properties within the host terrace and the neighbouring terraces have had various alterations and extensions carried out to the rear elevation. It is not clear therefore, based on the evidence before me, and my site visit that rear bay windows were a prevailing feature of the terraces originally.
8. Given these observations, it appears to me that the existing single storey projection is not an original feature of the appeal property. Moreover, I have no substantive evidence to the contrary. I also have no clear evidence of what proceeded the existing single storey projection. I therefore find, based on the evidence before me, that the proposed extension would not extend beyond a wall forming a side elevation of the original dwelling.
9. There is no dispute between the parties that the proposal would comply with the remaining relevant parts of the GPDO. Based on the evidence before me, I can find no reason to disagree. Consequently, I conclude that the proposal would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO. The Council has confirmed that no objections were received from neighbouring occupiers and so prior approval is not required.

Conditions

10. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the condition that the development must be carried out in accordance with the approved details and the conditions set out at paragraph A.3.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is not required.

G Dring

INSPECTOR