



Appeal Decision

Site visit made on 20 May 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 June 2025

Appeal Ref: APP/Q4625/D/25/3361993

29 Howard Road, Olton, Solihull B92 7LF

- 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 Surinder Singh against the decision of Solihull Metropolitan Borough Council.
- The application Ref is PL/2025/00125/PNH.
- The development proposed is single storey rear extension off existing rear original house wall.

Decision

1. The appeal is dismissed.

Preliminary Matters

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 Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

Background and Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 1, Class A of the Order.

Reasons

4. Class A.1 (j) of the Order states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse.
5. The appeal site comprises a two-storey, semi-detached, dwelling in a residential area. At the rear is an existing, single-storey, rear projecting section of the kitchen and a conservatory. Although the conservatory is clearly a later addition, the rear projecting section of the kitchen appears to be part of the original dwelling. I observed that several other houses on the street had similar rear projections. Moreover, there was nothing on site, such as visible joins or changes in the materials, to discern that the kitchen is not part of the original house. For these reasons, the side elevation of the kitchen projection forms a side elevation of the original dwellinghouse.
6. The submitted plan identifies that the proposal would extend nearly to the full width of the dwellinghouse, following the demolition of the kitchen and the conservatory.

Albeit that the kitchen is to be demolished, the proposal would, therefore, extend beyond a wall forming the side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse.

7. For the above reasons, the proposal would not comply with the requirements of Class A.1 (j)(iii) and would not be permitted development under the Order. As the proposal does not constitute permitted development, I have no need to consider the living conditions of the neighbours or planning policy.

Other Matters

8. The appellant has submitted an appeal at 26 Sedgemere Road, Birmingham¹, which they contend is similar to the appeal before me. However, that appeal decision is materially different as there is no evidence that the rear extension being replaced at Sedgemere Road was part of the original dwellinghouse.

Conclusion

9. For the reasons set out above, the appeal should be dismissed.

K Townend

INSPECTOR

¹ APP/P4605/D/23/3326912