



Appeal Decision

Site visit made on 13 June 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/Z1510/D/25/3361037

138 Swan Street, Sible Hedingham, Essex CO9 3PP

- 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 Selvathurai Jaiprakash against the decision of Braintree District Council.
 - The application Ref is 25/00065/HHPA.
 - The development proposed is described as '8 meter single storey extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), states that the enlargement of a dwellinghouse is permitted development subject to limitations and conditions.
3. 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), 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.

Main Issues

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

Reasons

5. Paragraph A.1(g) states that the enlarged part of the dwellinghouse cannot extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse. Paragraph A.1(ja) states that development is not permitted where any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits specified, including the limit specified in Paragraph A.1(g). For the purposes of interpreting the GDPO, the term '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.

6. Paragraph A.4(2)(a) –(e) lists the information required to be submitted with an application for prior approval including (b) a plan indicating the site and showing the proposed development and any existing enlargement of the dwellinghouse to which the enlarged part will be joined.
7. The existing dwellinghouse comprises a bungalow. The Council granted planning permission for the erection of an extension, garage and alterations in 1992¹. The evidence before me indicates that the dwellinghouse has been previously extended to the rear, including through the addition of dormer windows, a single storey rear extension and a rear conservatory. I also observed this during my site visit and I noted that the existing block plan does not fully correlate with the footprint of the extensions I saw on site. Even if it did, the plans do not clearly indicate existing enlargements to the dwellinghouse, and it is not therefore clear if and how the proposed development would join to the existing enlargement of the dwellinghouse.
8. The appellant has a written description of the proposal and a plan indicating the proposed extension. However, as the total enlargement has to be assessed in accordance with paragraph A.1(ja), I am not satisfied that the proposed block plan demonstrates that the total enlargement would not extend beyond the rear wall of the original dwellinghouse by more than 8 metres.
9. On this basis, there is insufficient information to ascertain whether or not the total enlargement would exceed the limit set out in A.1(j)(ja) and A.1(g), contrary to the provisions of A.4(3).
10. Accordingly, the proposal does not constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Other Matters

11. The appellant suggests that the proposal would not cause harm to the living conditions of adjoining residents, and I accept that no objections were raised in that regard. However, these matters have no bearing on my consideration as to whether the proposal meets the conditions of Class A.1 of the GPDO.

Conclusion

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

H Marriott

INSPECTOR

¹ Council ref: 92/00623/FUL