
Appeal Decision

Site visit made on 30 June 2025 by T Mansfield

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2025

Appeal Ref: APP/L3625/D/25/3359707

119 Wilmot Way, Banstead, Surrey, SM7 2QA

- 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 Andrew McManus against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/02252/PDE.
 - The development proposed is a ground floor single-storey rear extension with internal alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

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.
4. 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 – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

5. The main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

6. There is no dispute between the parties that the proposed extension would comply with the limitations and restrictions in paragraph A.1 other than in relation to

paragraphs A.1(j) and A.1(ja). From the evidence before me, I see no reason to disagree in relation to the undisputed paragraphs. Therefore, my assessment will focus on the paragraphs in dispute.

7. Paragraph A.1(j) of Class A of the Order outlines that development is not permitted by Class A if, amongst other things, 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. Paragraph A.1(ja) deals with the situation where a property has already been enlarged and sets out that development is not permitted if any total enlargement exceeds, or would exceed, the limits set out in sub-paragraphs (e) to (j).
8. The Government's Technical Guidance provides guidance on interpretation of the GPDO. It states that "a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls."
9. For the purposes of interpreting the GPDO, Article 2(1) sets out that in relation to a building other than those on Crown land, the term 'original' means a building as it existed on 1 July 1948 where it was built before that date, or if built on or after that date, then as so built. The dispute between the parties relates to whether the utility room, located to the side of the appeal property, was part of the original dwellinghouse or was a later enlargement of the property.
10. The appellant has submitted a block plan that has been annotated to show the outline of the original dwellinghouse as they understand it. This plan shows that the utility room steps in from the rear wall of the property, leaving a shallow wall on the side of the building. This is also shown on the existing floor plans. I was able to see this stepped arrangement on site.
11. What constitutes a 'side elevation' for the purposes of the Order is a matter of fact and degree, and a very short and/or shallow wall could constitute a side elevation. In this case, I am satisfied that, although shallow, this side return creates a wall that is a side elevation of the original dwellinghouse.
12. The proposed extension is clearly shown on the plans to wrap around this rear corner slightly, rather than follow the line of the main rear wall of the dwelling. Consequently, even if the utility room was part of the original dwellinghouse, as the appellant contends, the proposed development would still extend beyond a side wall of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.
13. I note that the Deeds provided by the appellant appear to show the rear elevation of the dwelling and utility room as a straight line. However, the scale of that drawing is such that it could not show the level of detail provided on the submitted plans. Therefore, this document does not change my finding having regard to the submitted plans and my observations on site.
14. Given my conclusion in relation to the side elevations, it is not necessary for me to reach a firm finding on whether the utility room is original or not. If the utility room is original, the extension would not accord with limitation A.1(j) of Class A. If it is not original, then the totality of the enlargements would not accord with A.1(j) and therefore A.1(ja). Consequently, in the development would not be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Other Matters

15. The appellant has referred to benefits of larger home extensions, including adding value to existing housing stock and providing opportunities to local business and labour resource. These are not however matters I can consider in this type of prior approval appeal as there is no provision for any type of balancing exercise under this procedure.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Mansfield

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR