
Appeal Decision

Site visit made on 7 July 2025 by A Conteh

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/T2215/D/25/3360169

28 Carrington Road, Dartford, Kent DA1 1XW

- 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 Ms Seendy Ramoutar against the decision of Dartford Borough Council.
 - The application Ref is DA/24/01217/PDE.
 - The development proposed is single storey 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 Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) for single storey rear extension at 28 Carrington Road, Dartford, Kent, DA1 1XW in accordance with the application, Ref DA/24/01217/PDE, and the details submitted with it, including plan no CAR28/1 REV A, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) of the GPDO.

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.

Main Issues

3. The main issues are whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO and whether prior approval is required.

Reasons for the Recommendation

4. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. The first step with all applications under this procedure is therefore to consider whether the proposal would meet those limitations and conditions.
5. There is no evidence before me that permission to use the appeal dwellinghouse as a dwellinghouse was granted by virtue of Class M, N, P, PA or Q of Part 3 of Schedule 2 of the GPDO. As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

6. The height of the part of the dwellinghouse enlarged would not exceed the height of the highest part of the roof of the existing dwellinghouse. Likewise, the height of the eaves of the part of the dwellinghouse enlarged would not exceed the height of the eaves of the existing dwellinghouse.
7. The enlarged part of the dwellinghouse would not extend beyond any wall which forms the principal elevation of the original dwellinghouse or fronts a highway. Furthermore, the enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation of the original dwellinghouse.
8. The enlarged part of the dwellinghouse would have a single storey and extend to six metres, beyond the three-metre maximum permitted by Paragraph A.1(f) in the case of non-detached dwellinghouses. However, the proposal would comply with Paragraph A.1(g) which allows for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, to have a single storey and extend beyond the rear wall of the original dwellinghouse by no more than 6 metres and 4 metres in height.
9. The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, however, the height of the eaves of the enlarged part would not exceed 3 metres.
10. The proposed development does not consist of or include the construction or provision of a verandah, balcony or raised platform, or works to a microwave antenna, chimney, flue or soil and vent pipe, or any part of the roof of the dwellinghouse.
11. As a result, I find that the proposal complies with the limitations set out in Paragraph A.1 of Article 3(1) and Schedule 2, Part 1, Class A of the GPDO. As the appeal dwelling is not on article 2(3) land, the limitations set out in Paragraph A.2 of Schedule 2, Part 1, Class A of the GPDO do not apply in this instance.
12. The Council's decision notice asserts that prior approval is required and has been refused on amenity grounds. Part 1, Class A, Paragraph A.4(7) of the GPDO states that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. Consequently, Paragraph A.4(7) only comes into effect when an objection is raised. The Council's officer report confirms that no representations were received. In absence of any objections to the proposed development, prior approval is not required.
13. Based on the above assessment, the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Conditions

14. The GPDO grants planning permission subject to several conditions including a requirement that development is carried out in accordance with approved details and materials used are of a similar appearance to the existing dwellinghouse. The GPDO also allows for prior approval to be granted subject to conditions reasonably related to prior approval matters. However, in this case, prior approval is not required so additional conditions are not necessary.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and prior approval is not required.

A Conteh

APPEAL PLANNING OFFICER

Inspector's Decision

16. 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 allowed.

L McKay

INSPECTOR