



Appeal Decisions

Site visit made on 2 September 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2025

Appeal A Ref: APP/B0230/D/25/3369347

220 Park Street, Luton, LU1 3HB

- 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 Moore against the decision of Luton Borough Council.
 - The application Ref is 25/00543/PARES.
 - The development proposed is single storey rear extension (Depth 6m, Maximum height of extension 3m, Height to eaves 3m).
-

Appeal B Ref: APP/B0230/D/25/3369351

220 Park Street, Luton, LU1 3HB

- 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 Moore against the decision of Luton Borough Council.
 - The application Ref is 25/00544/PARES.
 - The development proposed is single storey rear extension (Depth 6m, Maximum height of extension 3m, Height to eaves 3m).
-

Decision

1. Appeal A is allowed and prior approval is deemed to be granted 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 single storey rear extension (Depth 6m, Maximum height of extension 3m, Height to eaves 3m) at 220 Park Street, Luton LU1 3HB, in accordance with the application Ref 25/00543/PARES made on 15 May 2025, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).
2. Appeal B is allowed and prior approval is deemed to be granted 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 single storey rear extension (Depth 6m, Maximum height of extension 3m, Height to eaves 3m) at 220 Park Street, Luton LU1 3HB, in accordance with the application Ref 25/00544/PARES made on 15 May 2025, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Reasons

3. Paragraph A.1.(g) of Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO) permits the enlargement of a detached dwellinghouse by the erection of a single storey extension that extends no more than 8 metres from the rear of the original dwellinghouse, or 6 metres in the case of any other dwellinghouse subject to the process of prior approval set out at Paragraph A.4. being followed.
4. Paragraph A.4.(10)(c) outlines that the development subject to the prior approval process must not begin before the expiry of 42 days following the date on which the required prior approval information was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.
5. The effect of this is that where an application is made for a determination as to whether prior approval is required, the applicant can proceed with the development if the Local Planning Authority does not make a determination or notify the appellant of their decision within the statutory 42 day period. Prior approval is deemed to be granted.
6. The applications, the subject of these appeals, were received by the Council on 16 May 2025. The decision notices issued by the Council are both dated 07 July 2025, which falls outside of the statutory 42 day period beginning 16 May 2025. There is limited evidence before me to indicate the information required by the appellant, as set out in paragraph A.4 (2) of the GPDO, was not all received by the Council on 16 May 2025.
7. As the Council failed to notify the appellant of their decision within the requisite 42 day period as to whether prior approval was given or refused it means that prior approval is deemed to be granted. A neighbour consultation is therefore not required.
8. The failure of the Council to validate the application and determine it within the statutory period means that I cannot consider whether the development would otherwise be permitted development under the GPDO. However, this does not mean that carrying out the development would be lawful. The development can only lawfully proceed if carried out in accordance with the conditions and limitations imposed on the planning permission granted by the GPDO. It is for the appellant to satisfy themselves that the development conforms with all relevant conditions and limitations of the GPDO. If it does not, the GPDO does not grant it planning permission and the development, if constructed, may be at risk of enforcement action by the Council.

T Bennett

INSPECTOR