



Appeal Decision

Site visit made on 17 November 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/W2465/D/25/3373596

4 Sedgebrook Close, Leicester, LE5 6NH

- 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 S Patel against the decision of Leicester City Council.
 - The application Ref is 20251503.
 - The development proposed is single storey rear extension (Class C3).
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Decision

1. The appeal is dismissed.

Main Issue

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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to specific limitations and conditions. The main issue in this appeal is whether the proposed extension would comply with the provisions of the GPDO.

Reasons

3. The appeal property comprises a two-storey detached house with an existing single storey extension that wraps around the side and rear of it. There is a generous garden to the rear, the level of which slopes down from the rear of the house.
4. Planning permission is not granted by the GPDO where, amongst other things, the enlarged part of the dwelling would extend beyond a wall forming a side elevation of an original dwelling and would have a width greater than half the width of the original dwelling. In this case the proposed extension, which would not extend beyond the rear wall of the original dwelling by more than 8 metres, would not be attached to a side elevation of the original dwelling.
5. However, having regard to paragraph (ja) of the GPDO and the Permitted Development Technical Guidance (2019) (the guidance), whether I agree it is logical or not, I must consider the total enlargement of the original dwellinghouse, which includes not only the current proposal, but also any existing enlargement of it, to which the proposal would be joined. The proposal would adjoin an existing extension, which does project beyond an original side wall, and which is more than half the width of the original dwelling. The combined enlargement of the original dwelling resulting from the existing and proposed extensions would exceed the allowances set out in the GPDO.

6. The appellant states that case law and appeals confirm that extensions that meet the criteria should not be refused because of earlier additions. I am not aware of and have not been provided with copies of any such appeal decisions or case law.
7. Furthermore, whilst not referred to in the Council's decision, planning permission is also not granted by the GPDO (paragraph i) where the eaves height of the enlarged part of the house would exceed 3 metres in height, within 2 metres of the curtilage boundary. I noted that in this case, the proposed extension would only be approximately 1.5 metres from the boundary, and the extension would measure 3.8 metres to the eaves and 4 metres overall.
8. The guidance confirms that even if an extension is within these limitations (it is set in 2 metres from the boundary and does not exceed 3 metres in height to the eaves) but it is being joined to a previous extension which exceeds these limits, it will not be permitted development. I have not been provided with the eaves height of the existing rear extension that the proposal would be attached to, but I noted that this is also within 2 metres of the curtilage boundary. Consequently, the eaves height of the existing extension would need to be below 3 metres in height to be further extended under the terms of the GPDO.
9. The guidance states that the eaves height should be measured from the ground level of the external wall of the extension to the point where it would meet the upper surface of the roof slope. As no plans showing elevations and ground levels have been submitted, it is unclear whether the measurements provided refer to the height of the extension above the existing ground level adjoining the house, or above the ground level of the much lower garden, or whether the extension would step down. Due to the sloping ground levels, it is likely that the height measured above the ground from the external rear wall of the proposed extension would exceed the height limitations set out in the GPDO.
10. As the Council was confident that the proposal would not constitute permitted development, it did not undertake any consultation with occupiers of the adjacent dwellings. Had I reached a different view to that of the Council, this consultation would have to have been undertaken, and any responses taken into account in reaching my decision. However, the absence of harm to, or the absence of objection from neighbours would not alter the fact that the proposal would not meet all of the relevant criteria necessary to benefit from deemed planning permission under the GPDO. I have no discretionary powers to grant planning permission for development falling outside of the scope of the GPDO under this procedure, regardless of whether or not I consider the proposal would result in any harm. As the proposal is not permitted development a full planning application comprising detailed plans would need to be submitted to and approved by the local planning authority, which would be subject to an assessment of harm.

Conclusion

11. I therefore conclude that the proposed development would not satisfy the criteria to be permitted development, under the terms of Article 3, Schedule 2, Part 1, Class A of the GPDO. For the reasons given above, the appeal is dismissed.

R Bartlett

INSPECTOR