



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/J0405/X/24/3355069

12 Charmfield Road, Aylesbury HP21 9QB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Diane Nelson against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application ref 23/02890/CPL, dated 21 September 2023, was refused by notice dated 21 December 2023.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is proposed single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of the proposed development against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). The proposed development is shown on drawings submitted with the application. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 12 Charmfield Road is a two-storey semi-detached dwelling with a driveway at the side leading to a single garage. Council records indicate that planning permission was granted for the garage in 1977. The proposed extension would be on the rear elevation of the dwelling. The only drawing of the proposed extension submitted with the application illustrates the existing and proposed ground floor layout of the dwelling. The proposed layout shows the extension to have a window in its side elevation to the driveway, which would be set back from the side elevation of the dwelling, and a set of bi-fold doors in its rear elevation. The proposed layout also shows the corner of the extension to extend into and connect with the garage.
4. Two further drawings were submitted with the appeal; a construction layout plan and rear and side elevations of the proposed extension. The illustrated extension is slightly different to that shown on the application drawing; the side window is omitted, the extension is set in from the boundary to the neighbouring property, and the bi-fold doors are centred in the rear elevation. The appeal extension would have the same monopitch roof and would be the same depth as the application extension so, though not shown on the construction layout plan, the extension would have a similar relationship to the garage as the application extension. The Appellant is entitled to bring forward information at appeal stage but in this case it is confusing.

5. Class A of Part 1 of Schedule 2 of the GPDO states that the enlargement of a dwellinghouse is permitted development. Development is not permitted by Class A if (f) the enlarged part of the dwellinghouse would have a single storey and would extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwelling or 3 metres in the case of any other dwellinghouse. The side elevation of the proposed extension would be, as shown on the elevation drawing, 3.4 metres deep. Under Class A a single storey extension to a semi-detached dwelling can be no more than 3 metres deep. For this reason, the proposed extension would not be development permitted under Class A of Part 1 of Schedule 2 of the GPDO.

6. The relationship of the proposed extension to the garage is confused and could, under certain circumstances, result in non-compliance with other limitations of Class A. Nevertheless, the proposed extension, given its depth, would not be development permitted under Class A of Part 1 of Schedule 2 of the GPDO. For this reason alone an LDC cannot be granted.

7. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for proposed single storey extension at 12 Charmfield Road, Aylesbury was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector