



Appeal Decision

Site visit made on 6 March 2026

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 MARCH 2026

Appeal Ref: APP/J1915/D/25/3376729

51 Cecil Road, Hertford, Hertfordshire SG13 8HR

- 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 paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Nick Willis against the decision of East Hertfordshire District Council.
 - The application ref is 3/25/1542/PNHH.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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 limitations and conditions.
3. 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 with the conditions, limitations or restrictions applicable to the development. This is the case here, and the Council have refused the application, stating the proposal would not meet the criteria for permitted development.

Main Issue

4. The main issue is whether the proposal meets the criteria for permitted development.

Reasons

5. The Council cite the proposal would not comply with criteria (j) of Class A. This states that the works would not be permitted development if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwelling house, and would i) exceed 4m in height, ii) have more than a single storey, or iii) have a width greater than half the width of the original dwellinghouse.

6. The proposed extension would be positioned alongside an existing rear projection behind the garage. The Council consider that to be an existing extension, rather than part of the original house and, based on the evidence before me and the findings of my site visit, I have no strong reason to reach a different view.
7. While there would be a very narrow gap between the proposed extension and the existing, the extensions would not be joined. Given the notable difference in their eaves, roof designs and ground levels, I do not consider they would be perceived together as one extension. Furthermore, I observed the existing extension to have undergone significant refurbishment works and I have no reason to believe that these would be reversed to merge with the new extension. In reaching this view I have had regard to the appeal decision referred to by the Council¹, which related to two proposed extensions, as well as the Technical Guidance². Given these factors, the proposal would not extend beyond a wall forming a side elevation of the original house and would therefore comply with criteria j).
8. Despite this, it is relevant that works have been undertaken on the site. The main parties were invited to comment on the implications of this, and the appellant accepts that works were undertaken in the form of excavation and installation of foundations for the proposed extension. Paragraph A.4 of Class A sets out additional conditions which apply to the proposal. This includes at point (10) that the development must not begin before the occurrence of one of the following, relating to the receipt of written notice that prior approval is not required, that prior approval is given, or following the expiry of 42 days without notification as to whether prior approval is given or refused. Based on the information before me, since the Council refused prior approval, none of those circumstances occurred.
9. For this reason, the proposed development does not comply with the conditions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Accordingly, the appeal must be dismissed.
10. I appreciate the circumstances described and the reassurances provided by the appellant. However, these do not allow for a decision other than in accordance with the requirements of the GPDO as set out above.

Conclusion

11. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

¹ APP/N0410/X/23/3317280

² Permitted development rights for householders: Technical Guidance September 2019