Decision

1. The appeal is dismissed.

Procedural Matter

2. There have been no objections from the residents of neighbouring properties. However, the main issue is whether the proposal is a valid prior approval submission for permitted development under the GPDO.

Reasons

3. The appeal site comprises an end of terrace dwelling which has a rear single storey projecting element forming part of a dining room. Although small, this element still has a side facing wall of solid construction. The proposal would result in the demolition of this element and a rear extension of 6m depth, with an eaves height of approximately 2.84m and a maximum overall height of 3m.

4. Under paragraph A.1(g), Part 1, Schedule 2 of the GPDO, the enlarged part of the dwellinghouse, that would have a single storey, cannot extend beyond the rear wall of the original dwellinghouse by more than 6 metres in the case of a terraced dwelling or exceed 4 metres in height. Under paragraph A.1(i), of the same GPDO part and schedule, where the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part must not exceed 3 metres.

5. The proposal would not conflict with the above but in accordance with Class A.4 (3) of the Part 1, Schedule 2 of the GPDO, the proposed development must comply with the other conditions, limitations or restrictions applicable to development permitted by Class A. In this respect, paragraph A.1(j) of the
same part and schedule of the GPDO states that the enlarged part of the dwellinghouse should not extend beyond a wall forming a side elevation of the original dwelling house and exceed 4 metres in height, have more than a single storey, or have a width greater than half of the original dwellinghouse.

6. Here, the existing ground floor element would be demolished, and the side wall would disappear. However, this demolition is part of the development proposed and therefore, the siting of this original wall is material to the consideration of whether there is conflict with paragraph A.1(j), Part 1, Schedule 2 of the GPDO. On this basis, the extension would extend beyond a wall forming a side elevation which would have a width greater than half of that of the original dwellinghouse. As a result, planning permission would be required.

7. The DCLG Permitted development for householders Technical Guidance (the Guidance) 2017 provides guidance on how to measure depths of extensions for the purposes of permitted development where the rear wall of a house is stepped. In this case, there is a stepped rear profile due to the existence of the ground floor element. However, the guidance states that where an extension fills the area between an original side elevation and a rear wall, then the restrictions on extensions beyond rear walls and side walls will both apply. On this basis, it has not been demonstrated that the guidance provides an explanation differing from the interpretation in this decision. Taking the above into account, the proposal would fail to be considered as a valid submission for a prior approval determination and would not be permitted development.

8. For the above reasons, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR