



Appeal Decision

Site visit made on 20 June 2016

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 July 2016

Appeal Ref: APP/V2255/D/16/3144241

129 Grovehurst Road, Sittingbourne, Kent, ME10 2TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Steve Thompson against the decision of Swale Borough Council.
 - The application Ref 15/507997/PNEXT, dated 23 September 2015, was refused by notice dated 15 December 2015.
 - The development proposed is single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council issued a decision on the basis that the proposal cannot be considered under the prior approval process. This is because it would exceed the limitations of paragraph A.1 (j) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). Accordingly the main issue to consider is whether the proposal would meet this requirement. I shall therefore address the issue of whether the proposal should be regarded as permitted development.

Reasons

3. The element of the GPDO that concerns the Council is whether the proposed extension would *'...have a width greater than half the width of the original dwelling house'*. The addition would be a single storey side and rear addition. It would involve the removal of the existing single storey 'L shaped' element to the rear of the property.
 4. I have had regard to the Department for Communities and Local Government Technical Guidance entitled 'Permitted development for householders' (April 2016) (the 'Guidance'). This states that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. It goes on to note that houses will often have more than two side elevation walls and gives an example of multiple side walls where there is a staggered rear elevation. The Guidance makes it clear that where an extension is beyond any side wall, the restrictions in Paragraph (j) will apply.
 5. In this case the Council identify that at least part of 'L shape' element forms part of the original dwelling. This is not disputed. Therefore it forms a side wall as defined within the Guidance. The requirements of the GPDO relate to
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the 'total width' of the extension. The total width of the appeal proposal shown on the plans would be 5910mm. The width of the house at its widest point is given as 6350mm. As such the extension would have a total width that would be more than half of this. As such the proposal cannot be considered permitted development under Class A as it would not meet the requirements of paragraph (j) (iii).

6. The development falls outside the permitted development right and therefore there is no need to make a determination on the prior approval matters. Accordingly for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR