
Appeal Decision

Site visit made on 22 January 2018

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 February 2018

Appeal Ref: APP/J2373/W/17/3187552

30 Douglas Avenue, Blackpool FY3 7AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Andrew Gill against the decision of Blackpool Borough Council.
 - The application Ref 17/0444, dated 24 June 2017, was refused by notice dated 3 August 2017.
 - The development proposed is erection of a single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for erection of a single storey rear extension at 30 Douglas Avenue, Blackpool FY3 7AL in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4(2) of the GPDO.

Application for costs

2. An application for costs was made by Mr Andrew Gill against Blackpool Borough Council. This application is the subject of a separate Decision.

Procedural Matters and Main Issue

3. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the GPDO. The Council utilised the powers under paragraph A.4(3) (b) to refuse the application, as it considered that the developer provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Paragraph A.4(4) states that sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3).
4. Having regard to the above, the main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO, with particular regard to whether the application included sufficient information, and if so, whether prior approval is required.

Reasons

5. The appeal property is a semi-detached dwelling with no existing rear extensions in an established residential area. The proposal seeks to erect a single storey rear extension. The application forms indicate that the proposal would extend beyond the rear wall of the original dwelling house by 5m, with a maximum height of 4m and a maximum eaves height of 3m. There is no evidence before me that the site consists of article 2(3) land or that permitted development rights in the GPDO have been removed.
6. Proposals for single storey rear extensions of up to 6m beyond the rear wall of semi-detached dwellinghouses, such as the appeal property, constitute permitted development provided that they satisfy the conditions, limitations or restrictions set out in Schedule 2, Part 1, Class A of the GPDO. Paragraph A.4 sets out the conditions that must be met for extensions which exceed the thresholds of paragraph A.1(f) but fall within those in paragraph A.1(g), which applies to the proposal before me. In that regard, the procedure as set out at paragraph A.4(2) indicates that before beginning the development the following details should be provided to the local planning authority: a written description of the proposed development; a plan indicating the site and showing the proposed development; the addresses of any adjoining premises, and the developer's contact address.
7. Based upon the evidence before me, the appellant complied with the requirements of paragraph A.4(2)(a) through the written description of the proposed development provided on the application form which includes the depth of the extension beyond the rear wall of the original dwellinghouse, together with the maximum height and the height to eaves as required by subparagraphs A.4(2)(a) (i), (ii) and (iii) respectively. Paragraph A.4(2)(b) requires the developer to provide the local planning authority with a plan indicating the site and showing the proposed development. In that regard, the appellant provided a layout plan at scale 1:50 which clearly indicates the site and shows the proposed development.
8. When taken together, I consider that the information provided within the application form and layout plan constitute sufficient information to meet the requirements of paragraphs A.4(2)(a) and A.4(2)(b). Furthermore, the application form also provides the addresses of all adjoining properties, the developers contact address and the developers e-mail address in compliance with the requirements of A.4(2)(c), (d) and (e). I, therefore, consider that the application subject to this appeal meets the requirements of paragraph A.4(2) in full.
9. The Council refused the application on the basis of paragraph A.4(3)(b). The Council's concerns relate specifically to the absence of elevation details to allow neighbours to assess its impact under the consultation required by paragraph A.4(5). However, to my mind, the powers conferred by paragraphs A.4(3)(b) and A.4(8) should be applied to the information required under paragraph A.4(2) insofar as to enable the local planning authority to establish whether the proposed extension meets the requirements listed under paragraphs A.1, A.2 and A.3. In that respect, I find that the information provided as part of the application subject to this appeal meets the requirements of paragraph A.4(2) and is sufficient to establish that the proposal falls within the permitted development rights that are relevant to

single storey rear extensions in paragraph A.1. I also note that materials are dealt with under the condition listed in paragraph A.3(a) with the wording enabling compliance without submission of details, whilst the requirements of paragraph A.2 and paragraph A.3(b) and (c) do not apply to the proposal before me.

10. In the context of the above, it is my view that the Council's requirement for the appellant to submit further details to enable the impact of the extension to be assessed by adjoining owners and occupiers as part of consultation under paragraph A.4(5) was not necessary. To my mind, if the provision of information under paragraph A.4(2) had been intended to include the provision of elevation drawings or other details of the development at that stage, including its roof design and fenestration, it would have specifically stated a requirement in such terms within that bulleted list or elsewhere. It may be the case that if a subsequent requirement for prior approval under paragraph A.4(7) had been engaged following consultation under paragraph A.4(5), that it would have been necessary for the Council to use the powers conferred under paragraph A.4(8) to request further information to fully assess the impact of the proposed development on the amenity of adjoining premises taking account of any representations made. However, I do not consider that the use of such powers is needed when paragraph A.4(7) is not engaged and the information provided under paragraph A.4(2) is sufficient to establish whether the proposed single storey extension would meet the relevant conditions, limitations and restrictions listed under paragraphs A.1, A.2 and A.3, which I have found to be the case for the application before me.
11. The application was refused by the Council under paragraph A.4(3) and, therefore, paragraphs A.4(5) and (6) did not apply and adjoining owners and/or occupiers were not notified. However, without prejudice to the outcome of the appeal, I requested that consultation be undertaken in accordance with paragraphs A.4(5) and (6) to prevent any unnecessary delay to this decision if I were to find that the application proposal otherwise complies with the conditions, limitations or restrictions applicable to Schedule 2, Part 1, Class A of the GPDO. No objections from an owner or occupier of any adjoining premises to the proposed development have been received. Consequently, in the particular circumstances of this case, it is not necessary to consider the impact on amenity of adjoining premises as part of this appeal given that the prior approval requirements under paragraphs A.4(7) and A.4(9) are not engaged.
12. Having regard to all of the above, I conclude that the proposed development constitutes permitted development and prior approval is not required as paragraph A.4(7) is not engaged. The proposal satisfies the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A of the GPDO relevant to it.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

Gareth Wildgoose

INSPECTOR