The Planning Inspectorate

# Appeal Decision

Site visit made on 6 July 2020

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 July 2020**

**Appeal Ref: APP/B3438/D/20/3252822**
**Lask End Farm, Lask Edge Road, Lask Edge, Leek ST13 8QS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under condition A4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mrs H Scott against the decision of Staffordshire Moorlands District Council.
- The application Ref HNT/2020/0004, dated 13 March 2020, was refused by notice dated 24 April 2020.
- The development proposed is prior approval for a single storey rear extension measuring 8 metres beyond the original dwellinghouse, 3 metres maximum height and 3 metres to height of eaves.

## Decision

1. The appeal is allowed and prior approval is not required under the provisions of 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) for a single storey rear extension measuring 8 metres beyond the original dwellinghouse, 3 metres maximum height and 3 metres to height of eaves at Lask End Farm, Lask Edge Road, Lask Edge, Leek ST13 8QS in accordance with the application ref HNT/2020/0004 made on 13 March 2020, and the details/plans submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

## Main Issue

2. The main issue is whether or not the proposed extension is permitted under the above Order.

## Reasons

3. The point of contention between the parties relates to whether the proposal complies with Class A.1. (d) of the Order which states that development is not permitted if *'the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse'.*

4. In respect of the above, the Government's 'Permitted development rights for householders - technical guidance for householders 2019' (Technical Guidance) states that *'where the existing house has eaves of different heights, then the restriction on the height of the eaves for the part of the house enlarged,*

*improved or altered is measured against the highest level of eaves on the existing house. However, where a house is built on sloping ground, the height of the eaves on the existing house should be measured in terms of the elevation from which any extension of a house is to be made'.*

5. The submitted plans show that the eaves height of the proposed extension (3 metres) to the 'south elevation' would be higher than the eaves height of part of the existing dwellinghouse shown on that elevation. However, the eaves height of the proposed extension (3 metres) to the 'north elevation' would be the same height as the eaves height of the part of the existing dwellinghouse shown on that elevation. Consequently, and taking into account the Technical Guidance, the existing dwellinghouse has eaves of different heights.

6. None of the parties contend that the dwellinghouse is built on sloping ground and the eaves height of the proposed rear extension would not, at any point, exceed the highest level of eaves on the existing house. Therefore, I find that the proposal would comply with Class A.1. (d) of the Order.

7. The proposal would meet all other permitted development requirements in Class A1 to A4 of the Order. No owner or occupier of any adjoining premises has objected to the proposal as a result of the Council's notification arrangements. Therefore, it has not been necessary for me to consider the proposal in terms of its effect on the amenity of all adjoining premises. I conclude that the proposal is permitted development by virtue of the Order and that prior approval is not required.

*D Hartley*

INSPECTOR