The Planning Inspectorate

Appeal Decision

Site Visit made on 24 February 2021

by Rachel Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/B3438/D/20/3265537
Cross Farm Cottage, Main Road, Hollington ST10 4HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr & Mrs Pringuer against the decision of the Staffordshire Moorlands District Council.
- The application Ref HNT/2020/0019 dated on 14 October 2020, was refused by notice dated 26 November 2020.
- The development proposed is single storey rear extension to provide additional living accommodation.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Pringuer. This application is the subject of a separate Decision.

Preliminary matters

3. 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.

4. Where an application is made for a determination as to whether prior approval is required for development, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

5. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

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

Reasons

7. Schedule 2, Part 1, Class A of the GPDO states that the enlargement, improvement or other alteration of a dwellinghouse is permitted development, subject to limitations of Paragraph A.1. Part (e)(i) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse.

8. The Council's decision notice refers to the enlarged part of the dwelling projecting forward of the principal elevation of the dwellinghouse. The Technical Guidance: Permitted Development for Householders assists in the interpretation of Part 1 of the GPDO and defines principal elevation as *'in most cases…that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.'*

9. The point of dispute is whether the extension would be on the principal elevation of the dwellinghouse.

10. The first part of the definition quoted above refers to the highway and the relationship of the property to it. The highway in this case is the road that runs to the north-west of the site; the appeal property is served by a private access road which adjoins this highway. On this basis, the principal elevation is the elevation that is not subject to the extension proposed. In which case the extension would be on the rear elevation.

11. However, when focusing on the latter part of the definition, the emphasis changes. The main windows and door to the dwelling face away from the highway and into the site and it is on this elevation that the extension is proposed. In this case, the development would be on the front elevation.

12. The definition of principal elevation is not exclusive to the terms set out, indeed sound judgement in practical matters also needs to be applied. On quick first impressions of the building, the elevation facing into the site is most obvious as the principal elevation owing to the presence of a door and windows as well as this elevation being the main point of access and egress. Taking this into account alongside my findings above, the evidence purports most convincingly to the extension being on the front elevation of the dwellinghouse, which is in conflict with Paragraph A.1 (e)(i).

13. Consequently, and notwithstanding that the proposal may comply with the other limitations of Paragraph A.1., the conflict with part (e)(i) means that the proposal would not satisfy the requirements of Schedule 2, Part 1, Class A of the GPDO, and therefore is not development permitted by it.

14. Given my findings that the proposed extension would not be development permitted under Class A of the GPDO, there is no need for me to consider

whether or not prior approval would be required or should be granted as it would not alter the outcome of the appeal.

Conclusion

15. For the reasons given, I conclude that the proposal is not permitted development under Schedule 2, Part 1, Class A of the GPDO. The appeal is therefore dismissed.

Rachel Walmsley

INSPECTOR