The Planning Inspectorate

Appeal Decision

Site visit made on 11 March 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2024

Appeal Ref: APP/B3438/D/23/3332634
William Croft (formerly Thorney Edge), Thorneyedge Road, Bagnall, Staffordshire ST9 9LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required 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 appeal is made by Danny W Poole and Sons Limited against the decision of Staffordshire Moorlands District Council.
- The application Ref is HNT/2023/0011.
- The development proposed is a single-storey rear extension extending 8.00m beyond the rear wall of the existing dwelling, 4.00m maximum height and 2.50m to height of eaves.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The name of the appeal property on the original application form was given as "Thorney Edge". Its name was subsequently changed to "William Croft", as was used on the Council's decision notice and the appeal form submitted by the appellants. The banner heading above reflects this change.

Main Issue

3. The main issue is whether the proposal would be permitted development as provided for by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter "the GPDO").

Reasons

4. Schedule 2, Part 1, Class A of the GPDO allows for a variety of enlargements, improvements or other alterations to a dwelling house, subject to limitations set out in paragraphs A.1. and A.2.

5. Paragraph A.1.(j) states that development is not permitted if:
"the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse.

6. The appeal property is a detached bungalow within a large plot in open countryside. It is of brick construction with a render finish and appears to date

from the mid-to-later part of the 20th century (though there is no documentary evidence before me to confirm this). The front elevation faces approximately west towards Thorneyedge Road and Armshead Road. The rear elevation is staggered with two shallow projections, one at each side. The rear projection on the northern side is attached to a further deeper, barn-like projection of solid stone wall construction. This section is clearly much older than the other parts of the building – it appears on a map dated 1877-1887 provided by the Council – and is described by both parties as an outrigger.

7. While the *Permitted development rights for householders - Technical Guidance*[1] is not in itself determinative, page 22 provides clear advice 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". The north and south-facing walls of these projections (whether facing outwards or inwards towards one another) are all, in the GPDO's terms, side walls.

8. The appellants have stated that the older, larger rear projection on the northern side of the building "will be demolished and the new proposed 8m rear extension will be erected directly in line with the side walls of the host dwelling". The limitations to permitted development are based on the original dwellinghouse and apply even if all or part of the original wall is removed. In this case, the proposed extension would extend beyond the line of walls forming side elevations, even though those walls may themselves be demolished as part of the scheme. The extension would be built across the full width of the building, so there is no dispute that it would have a width greater than half that of the original dwellinghouse.

9. The older rear outrigger appeared to be used as storage rather than as part of the dwellinghouse. The appellants' statement differentiated between it, which it was argued did not form part of the original living accommodation, and the remainder of the dwelling at the front. The Council, on the other hand, suggested that the older rear part "is believed to be part of the footprint of the original dwellinghouse".

10. I have not pursued this distinction as it could not alter my overall conclusion. The extension would extend beyond a side wall whether the "original dwellinghouse" is taken to be the older rear outrigger alone, the larger 20th century bungalow towards the front alone, or the entire building as a single combination. However it is approached, therefore, the proposed development would not comply with the restriction in Paragraph A.1.(j)(iii) of the GPDO.

Conclusion

11. I conclude that the proposal would not be permitted development as provided for by Schedule 2, Part 1, Class A of the GPDO. The appeal is therefore dismissed.

M Cryan

Inspector

[1] Available online at https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance