



Appeal Decision

Site visit made on 12 March 2024

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of

State Decision date: 15 March 2024

Appeal Ref: APP/K2230/X/22/3310939

White Lodge, Nash Street, Meopham, Gravesend, Kent DA13 9AA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr John Stevenson against the decision of Gravesend Borough Council.
 - The application ref 20220882, dated 9 August 2022, was refused by notice dated 6 October 2022.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is construction of part single part two-storey rear extension as indicated on drawings 7875-LDC-02 & 7875-LDC-03.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant suggests that the part single part two-storey rear extension would be constructed in accordance with the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), known as 'permitted development'. However, the Council refused the application as they allege that the roof of the proposed development would connect to the existing roof. As such, they suggest the proposals would not comply with the requirements set out in Article 3 and Schedule 2, Part 1, Class A.1(k) and B.1(d) of the GPDO. My attention has also been drawn to Schedule 2, Part 1, Class A.1(h) relating to the depth of the extension beyond the rear wall of the original dwellinghouse.
3. There is no dispute that the extension complies with the other requirements of Schedule 2, Part 1, Classes A and B of the GPDO. I see no reason to disagree. The main issue is whether the Council's decision was well-founded taking account of the depth of the proposed extension and how the roof connects to the existing house.
4. The appellant has submitted additional drawings that seek to address the issue relating to the depth of the extension. The appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the local planning authority. The Council have not had the opportunity to consider the revised proposals, so I am unable to take them into account.

Reasons

Depth

5. The appellant has acknowledged that part of the extension would project more than 3m from the original rear elevation of the house. As a result, it does not comply with Schedule 2, Part 1, Class A.1(h) of the GPDO. As a result, the Council's decision well-founded.

Roof

6. The existing dwelling is a chalet bungalow with a long dormer to the rear roofslope. The proposal would comprise a ground floor extension over part of which would be a pitched roof with a gable end extending from the rear roof slope of the original dwelling and tied into the dormer. The eaves and ridge would be no higher than the existing.
7. Schedule 2, Part 1, Class A.1(k) of the GPDO states that development is not permitted if it would include an alteration to any part of the roof of the dwellinghouse. As the proposal would include an extension from the roof of house, the roof would be altered and it would not comply with Schedule 2, Part 1, Class A of the GPDO.
8. However, even where a proposal does not meet the terms of Schedule 2, Part 1, Class A of the GPDO, some extensions may be permitted development under other classes of the GPDO. Schedule 2, Part 1, Class B of the GPDO enables additions to the roof of the dwellinghouse, subject to limitations and conditions. This reflects the Technical Guide for Householders that states "Where an extension to a house under Class A includes works that would require an alteration to the existing roof of the house (for example where the roof of the extension joins the existing roof), the alterations to the existing roof of the house will need to meet the requirements of Class B or C (as appropriate) in order to be permitted development."
9. Schedule 2, Part 1, Class B of the GPDO enables roof extensions provided, under Class B.1(d), they do not exceed 50 cubic metres on detached dwellinghouses, such as White Lodge. The Council have calculated the proposed roof extension would exceed 50cu.m. such that it would not comply with this criteria. That is not disputed and I see no reason to disagree.
10. For these reasons, I conclude that the roof extension would not comply with Schedule 2, Part 1, Classes A.1(k) or B.1(d) of the GPDO. As such, it would not comprise permitted development and the Council's decision was, therefore, well-founded.

Conclusion

11. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of construction of part single part two-storey rear extension at White Lodge, Nash Street, Meopham, Gravesend, Kent DA13 9AA was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

AJ Steen INSPECTOR