



Appeal Decision

Site visit made on 3 January 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/Z4718/D/23/3327133

74 Bradbury Street, Ravensthorpe, Dewsbury WF13 3AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Mr K Hussain against the decision of Kirklees Council.
 - The application Ref 2023/91806, dated 15 June 2023, was refused by notice dated 31 July 2023.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed extension is permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

Reasons

3. Schedule 2, Part 1, Class A.1(j) of the GPDO indicates 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 have a width greater than half the width of the original dwellinghouse. The Interpretation in Article 2 of the GPDO clarifies that the term "original" in this context means as existing on 1st July 1948 or, if built after this date, as so built.
4. The appeal property comprises an end-of-terrace dwelling. Some neighbouring dwellings in the street appear to have undergone refurbishments. However, all of the dwellings in this terrace, and those in the adjacent terrace, appear to be of a similar age, with consistency in their form and finishing materials, window and door arrangements and design features.
5. The exact date that the appeal property and neighbouring dwellings were built is not clear from the evidence before me. The Council have however provided copies of two historical plans, dated 1933 and 1955, demonstrating that both terraces existed as early as the 1930s. These plans both show modest offshoots of the same footprint at each of the dwellings in the street, suggesting that these structures existed in 1948.
6. I saw on my site visit that there are two rear offshoots at 56 and 58 Bradbury Street that appear largely identical to one another and have footprints

- corresponding to those shown in the historic plans. Conversely, the appeal property in its present form does not feature this single storey rear offshoot.
7. However, the rear elevations of many of the other dwellings in the street have clearly been altered over time, including to provide larger extensions. It is therefore a reasonable assumption that the rest of these rear offshoots have been removed or subsumed by later development.
 8. Nevertheless, the appellant maintains that these historical plans are inaccurate. They also contend that there is no evidence of a historical rear projecting extension at the appeal site, such as foundations, brick bonding, lead flashing or a drainage gully.
 9. While I did not observe such features at the time of my site visit, there does appear to be some variation in the brickwork in the location where the offshoot would have stood. Furthermore, the stone cill of the window now in this location differs in style and thickness from those used elsewhere in the original dwelling, suggesting the window may have been a later addition. It is also conceivable that the offshoot may have been removed many years ago, and this may be why there is limited evidence of its existence in the present day.
 10. The information before me and my own observations lead me to conclude, on the balance of probabilities, that there was a rear offshoot in this location on 1st July 1948. The limitations in Class A.1(j) of the GPDO are based on the original dwellinghouse and apply even if part of the original is removed. The proposed extension would extend beyond the line of the side elevation of the former rear offshoot.
 11. I therefore find that the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse. The proposal would extend almost the full width of the original house, and thus would exceed the limitations set out in Schedule 2, Part 1, Class A.1(j) of the GPDO.
 12. I conclude that the proposed extension is not permitted under Schedule 2, Part 1, Class A of the GPDO. As the proposal does not constitute permitted development, I have no need to consider the amenity of any adjoining premises or development plan policies.

Conclusion

13. For the reasons given above, the appeal is dismissed.

Ryan Cowley

INSPECTOR