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## Appeal Decision

Site visit made on 13 May 2026 by S Jamieson BA (Hons) MPlan MRTPI

### Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

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### Appeal Ref: 6003832

#### 1 Lockgate Rise, Birkenshaw BD11 2PL

- 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 GPDO).
  - The appeal is made by Rebecca Johnson against the decision of Kirklees Metropolitan Council.
  - The application Ref is 2025/93213.
  - The development proposed is a single storey living room extension.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### 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 specified limitations and conditions.

### Main Issue

4. The main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

### Reasons for the Recommendation

5. The relevant limitation in this case is paragraph A.1(j)(iii) which provides 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’.
6. It is undisputed by the appellant that the host dwelling’s existing rear projection forms part of the original dwellinghouse and that the proposal would extend the full width of the rear elevation of the appeal property. The dispute in this appeal concerns whether part of the existing projection comprises a “side elevation” for the purposes of paragraph A.1(j).

7. The term 'side elevation' is not defined within the GPDO. The permitted development rights for householders - technical guidance (2019) ('the Technical Guidance') identifies a side elevation to be any wall that cannot be identified as being a front wall or a rear wall. Although the Technical Guidance does not specify construction materials or minimum depths, it sets out that dwellings will often have more than two side elevations, with illustrations showing that these are typically at a 45-degree angle to the rear elevation of a property.
8. The existing projection comprises three elevations. The rear elevation contains patio doors opening onto the garden, with its flanking elevations featuring windows which are set perpendicular to the rear wall. Despite its predominately glazed construction, the projection occupies a substantial proportion of the ground floor rear elevation of the property. Moreover, and as observed on my site visit, its height together with the depths of its flank elevations is not insignificant as it provides for internal floorspace.
9. As a result, I find that the existing rear projection is more than just an architectural detail or decorative feature and its flank elevations constitute walls forming side elevations of the dwellinghouse for the purposes of paragraph A.1(j). As the proposed development would extend beyond these side walls and would exceed half the width of the original dwellinghouse, it would fail to comply with paragraph A.1 (j) (iii) and so would not be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

### **Other Matters**

10. I acknowledge the appellant's desire to improve the living accommodation at the property and the potential cost savings associated with the prior approval process. I also note that the proposal would be well screened by the boundary fence and that no objections have been raised by neighbouring occupiers. However, such matters are not determinative in the assessment of whether or not a proposal would comply with the requirements of Class A. Furthermore, dismissal of the appeal would not prevent the appellant from submitting a planning application for the consideration of the Council.

### **Conclusion and Recommendation**

11. For the reasons given above, the proposed development would not be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO. I therefore conclude that the appeal should be dismissed.

*S Jamieson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*M Russell*

INSPECTOR