Appeal against Refusal of Prior Approval for Single Storey Rear Extension

Application Reference: DC/25/0270

Site Address: Sir Roberts Farm, Goose Green Lane, Goose Green, West Sussex

Date of Refusal Notice: 7th April 2025

This appeal is submitted against the decision of Horsham District Council ("**HDC**") to refuse prior approval for a single-storey rear larger home extension at the above address. This appeal is submitted under Section 78 of the Town and Country Planning Act 19907 and is lodged within the statutory timeframe.

The application sought prior approval under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("**GPDO**") for a single-storey rear extension projecting 8.00m from the rear elevation, with a maximum height of 4.00m and an eaves height of 2.50m.

HDC's reason for refusal, as stated in the Decision Notice, is:

> "*The proposed single storey rear extension would adjoin a later first floor addition, where the total enlargement would have more than a single storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres. The proposed development would therefore fail to comply with A.2(h) and A.2(ja) of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.*"

It is averred that the refusal demonstrates a misinterpretation of the GPDO and is therefore contested for the following definitive reasons:

HDC refer to "A.2(h)" *and "A.2(ja)"*. It is assumed HDC mean to refer to A.1(h) and A.1(ja) respectively.

Para. A.1(h) states:

> *"A.1 Development is not permitted by Class A if-*
>
> *[…]*
>
> *(h) the enlarged part of the dwellinghouse would have more than a single storey and—*
>
> *(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*
>
> *(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;*"

The enlarged part of the dwelling subject of this application is single-storey. It is averred therefore that Para A.1(h) is not engaged by this application and therefore the limitations in sub-sub paras. (i) and (ii) do not apply.

The plans submitted with this application do show the first-floor extension as approved under DC/24/1312.

It is accepted that the rear extension would project from both the ground floor, and (in part) the first-floor extension (due to the height of the rear extension and the pitched roof). However, it remains that the rear extension is single-storey only. The height of the rear extension, and the pitched roof do not make it an extension with "*more than a single storey*".

The first-floor extension has not, as at the date of submitting this appeal, been completed. The works relating to the first-floor extension, and (if approved) the rear extension, may or may not be undertaken as a single operation. If undertaken however, the first-floor extension would be constructed prior to the rear-extension.

Para. A.1(ja) states:

> "*A.1 Development is not permitted by Class A if-*
>
> *[…]*
>
> > *(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);*"

It is accepted that the first-floor extension may be considered, an "*existing enlargement*" for the purpose of assessing the "*total enlargement*" of the dwelling. However, the total enlargement, is required not to exceed the limits set out in sub-paras. (e) to (j). The clear intent of para. (h) is to limit the size of rear extensions with more than a single storey (typically double storey rear extensions) extensions) to 3m from the rear wall of the original dwelling. Paras. (ja) and (h) would be engaged where two subsequent two storey rear extensions, together exceeded 3m from the original rear wall. It is averred that Paras. (ja) and (h) are not intended to be engaged where part (predominantly the pitched roof) of a single-storey rear extension, adjoins a first-floor extension above the original dwelling house (and where the first-floor does not itself extend rearward).

The Inspector is respectfully requested to overturn HDC's decision and grant prior approval for the proposed single-storey rear extension.