

## Appendix C

### Appeal by Mr F Casey

#### Additional Storey Extension at 35 Spital Lane, Chesterfield.

#### CHE/21/00314/PA

1. Planning permission was refused on 17<sup>th</sup> September 2021 for Prior Approval for an additional storey extension at 35 Spital Lane. The reasons for refusal were based on the fact that the title information showed the property to be constructed before 1<sup>st</sup> July 1948 and therefore the procedure was not appropriate and planning permission would be required.:
2. An appeal against the decision has been determined by the fast track written representation appeal method and has been dismissed.

#### Procedure

3. Under Article 3(1) and Schedule 2, Part 1, Class AA 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 by the construction of additional storeys subject to limitations and conditions, including a requirement to submit an application for prior approval. Paragraph AA.2.3(a) to Part 1 requires the local planning authority to assess the impact of the proposed development in a number of respects, including in terms of the impact on the external appearance of the dwellinghouse.
4. The main issue in this case is whether the development is permitted under the above Order.
5. Development is not permitted by Schedule 2, Part 1, Class AA of the above Order if the dwellinghouse was constructed before 1 July 1948 or after 28 October 2018. Paragraph AA.3(3)(b) provides that an application may be refused where the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
6. The application form asks 'was the current building constructed between 1 July 1948 and 5 March 2018?' and the

response was no. The parties explored this issue further prior to the application being refused. The appellant has submitted a letter on the appeal demonstrating the steps they have taken to determine when the dwelling was constructed. However, none of the documents and historic maps the parties rely on in support of their case was presented to the inspector. As the onus of proof is upon the appellant, it has not been demonstrated that on the balance of probabilities, the dwelling was not constructed before 1948.

7. The inspector therefore concluded that the proposed extension is not permitted under the above Order. As the proposal does not constitute permitted development, the inspector had no need to consider the amenity of adjoining premises or the external appearance of the dwellinghouse.