

# Important lessons from the Planning Inspector in recent appeal success for DLP

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Ref No: 353

DLP Planning Ltd have recently obtained planning permission, via a Written Representations appeal, for a householder development comprising of an extension to a dwelling to provide larger family accommodation for the residents via internal reconfiguration and creation of additional rooms.

The Local Planning Authority had refused the planning application on the basis that the proposed extension would form a disproportionate addition to the existing dwelling, and by virtue of its scale and massing would appear over-dominant in relation to the host dwelling, resulting in harm to the character and appearance of the countryside. On that basis, it would be contrary to Local Plan policies and guidance in the Local Planning Authority's house extensions SPD.

DLP disagreed with the Local Planning Authority's assessment of the proposal, and we prepared a Statement of Case on behalf of our client to demonstrate the reasons why the proposed development was appropriate and why it would not represent a disproportionate addition.

The case we prepared included a critique of the Local Planning Authority's application of their SPD which sets out that, in the countryside, house extensions that extend the area of the original house by more than 50% will not normally be permitted unless there is an exceptional household need. In applying the SPD and calculating the percentage of the area increase, the Local Planning Authority had not taken into account that an existing outbuilding – which was located directly adjacent to the host dwelling – was to be demolished, and the proposed extension would, in part, replace the demolished floor area. If this had been taken into account, the calculations would have shown that the proposed extension did not exceed the more than 50% criteria as set out in the SPD.

In the decision for the appeal, the Planning Inspector set out that the SPD does not have the status of Development Plan policy, and it should therefore be

applied as guidance. There were also inconsistencies in the Local Planning Authority's decision-making, as they had not applied the SPD so rigorously when they permitted a similar development at a neighbouring property.

Further to the above, the Inspector found that it is not the arithmetic calculations that are telling in this context, given that some of the floorspace would be a replacement for an existing outbuilding which is to be demolished. On that basis, it was the details of the proposed scheme that were the important consideration.

The determination that an SPD should be applied only as guidance, and that arithmetic calculations are not always telling in the specific context of a site, was important. The determination allowed for the development proposal to be reviewed comprehensively as a whole, rather than being reviewed against the confines of an SPD which was not directly applicable due to the specific site circumstances.

Subsequently, the appeal was allowed and planning permission was granted for the extension, subject to conditions that the development is begun within 3 years, it is carried out in accordance with the approved plans, and it is constructed from materials that match the existing host dwelling.

DLP have extensive experience in undertaking planning applications and appeals on behalf of clients - for householder to large scale developments - and we are happy to discuss proposals with new and existing clients to assist in bringing appropriate development forward.

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