
Appeal Decision

Site visit made on 6 December 2016

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 December 2016

Appeal Ref: APP/R5510/D/16/3160732

34 Frays Way, Uxbridge UB8 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Zainab Rehmanji against the decision of Council of the London Borough of Hillingdon.
 - The application ref 6309/APP/2016/3180 was refused by notice dated 5 October 2016.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal complies with the relevant criteria for being permitted development.

Reasons

3. The appeal relates to a two-storey end of terrace house. The proposed extension would project 4 metres from the rear wall of the original dwelling and have a maximum height of 3.7 metres.
4. Paragraph A.1.(g) of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") permits, for a temporary period until 30 May 2019, single-storey rear extensions of a greater depth than would otherwise be allowed under paragraph A.1.(f). For a terraced house, paragraph A.1.(f) allows rear extensions with a maximum depth of 3 metres, whereas paragraph A.1.(g) increases this to 6 metres.
5. However, paragraph A.4.(3) of the GPDO states that the Council may refuse an application where, in its opinion, the proposal does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in A.1.(f) but is allowed by paragraph A.1.(g). Paragraph A.4.(10) states that development must not begin before the occurrence of one of the following: (a) receipt by the developer from the local planning authority of a written notice that prior approval is not required; (b) receipt by the developer from the local planning authority of a written notice giving their prior approval; or (c) expiry of 42 days following the date on which

the information referred to in sub-paragraph A.4.(2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

6. At the time of my site visit, an extension similar to that shown on the submitted plans was under construction although no information about the actual dimensions of what has been built is before me. The Council advises that trenches had been dug for the foundations of the proposed extension shown on the submitted plans before any of the events set out in GPDO paragraph A.4.(10) had occurred. The appellant does not deny that development had begun, but has explained that work started on the basis that the extension was initially going to have a depth of 3 metres, and that it continued as a result of advice from the water company due to the discovery of a sewer and advice from the Council that a larger extension could be dealt with under the prior approval process.
7. Based on the information before me, I have no reason to doubt the appellant's account, or that she acted in good faith and has attempted to comply with all legal and technical requirements. However, the fact remains that as development had begun one of the conditions set out in paragraph A.4 of the GPDO has not been complied with meaning that the Council was entitled to refuse the application.

Conclusion

8. For the reasons given above, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR