
Appeal Decision

Site visit made on 5 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/F5540/W/16/3157451

152 Staines Road, Feltham, Middlesex TW14 9ED

- 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, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Naeem Ahmed against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01054/152/PA3, received by the Council on 3 May 2016, was refused by notice dated 13 June 2016.
 - The development proposed is single storey rear extension to come out 6m from existing rear wall of house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether or not the proposal falls within the provisions for 'permitted development' under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) with particular regard to the dimensions of the enlarged part of the dwellinghouse.
 - If so, whether or not prior approval should be given in respect of the effect of the proposed development on the amenity of any adjoining premises.

Reasons

Permitted Development

3. The appeal property is one of a pair of semi-detached dwellings. The proposed extension would project 6m from the main rear elevation of the property and would be 3m high. It would be located directly adjacent to the boundary of the neighbouring property of 154 Staines Road.
 4. The appellant states that that a 2-storey offshoot to the rear of the property is part of the original dwellinghouse. However, the Council has provided substantive evidence that the 2-storey offshoot is an extension to the original dwelling approved by a planning permission dating from 1958. On the basis of the evidence before me, I consider that the rear 2-storey offshoot is not part of the original dwellinghouse.
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5. The Council refused the application as they considered the proposed extension would not be permitted development due to the limitations in Class A.1(i) of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class A.1(i) states that the enlargement of a dwellinghouse is not permitted if "the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres".
6. The Council consider that the enlarged part of the dwelling would include the existing two-storey offshoot, and their reason for refusal states that "the height of the eaves of the enlarged part would exceed 3 metres contrary to Schedule 2 Part 1 Class A.1(i)". However, the interpretation of 'the enlarged part of the dwellinghouse' has been clarified by the High Court¹ which held that "the enlarged part" is only that included in the current proposal. Applying the High Court's judgement to the current appeal, "the enlarged part" refers solely to the proposed extension. I therefore conclude that the proposal would not exceed the 3m in height stated in Paragraph A.1(i) of the GPDO and referred to by the Council.
7. Notwithstanding my conclusion in relation to Paragraph A.1(i), the proposal should be assessed against Paragraph A.1(g) of the GPDO. In essence, this states that an extension that projects between 3m to 6m beyond the rear wall of the original dwellinghouse is permitted development, subject to the conditions of Paragraph A.4 of the GPDO which requires the local planning authority to notify adjoining owners or occupiers of the proposal. If any owner or occupier of adjoining premises objects to the proposal, then the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
8. The Council has undertaken consultation which complies with the provisions of Paragraph A.4, and an objection has been received from the occupier of the adjoining property of No 154. This means that prior approval is required. In an informative on their decision, the Council state that prior approval would have been refused, and I will proceed to determine the appeal on that basis.

Amenity of Adjoining Premises

9. The Council state that prior approval for the proposal would have been refused due to concerns about the excessive depth of the extension and the impact on light, outlook and enclosure on the neighbouring property. Furthermore, I note that objections have been received from the residents of 154 Staines Road expressing concern about the effect of the proposal on the living room and patio area to the rear of their property.
10. I saw at my site visit that there is an existing two-storey offshoot to the rear of No 154 which is located some distance from the site boundary. There is a patio door located between this offshoot and the site boundary which the objectors state serves a living/dining room to the rear of No 154. The rear elevation of the property faces north and is therefore overshadowed to a degree by the existing dwelling. However, the projection of the proposed extension would worsen this situation by significantly increasing the depth of built form along

¹ In the case of *Gary Hilton v Secretary of State for Communities and Local Government & London Borough of Bexley* [2016] EWHC CO/309/2016 (Admin)

the boundary with a commensurate effect in the amount of light reaching the rear of No 154. Furthermore, I consider that the combined effect of the existing offshoot of No 154 and the proposed extension would have a tunnelling effect and create an undue sense of enclosure both to the rear patio doors and adjacent garden.

11. The proposal would project along the boundary between the appeal site and No 154 by approximately 6m and up to a height of up to 3m. The extension would therefore present a significant area of flank wall to the neighbouring property. Due to the projection and bulk of the proposal I consider that it would have an overbearing and oppressive impact on the outlook from the adjoining property.
12. I conclude that the prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the GPDO for the proposed development should not be granted due to the detrimental impact upon the amenity of the occupiers of No 154 that would arise.

Other Matters

13. In support of the proposal, my attention has been drawn to a ground floor extension at 110 Hounslow Road which was allowed on appeal². However, I note that the adjacent property in this case was a doctor's surgery and that the nearest ground floor window served a consulting room, which would not be occupied as a habitable room in a residential property. Accordingly, these circumstances are not directly comparable to those which apply in the appeal before me. I have, in any case, determined this appeal on its own merits.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

² Appeal Ref: APP/F5540/D/15/3002839