
Appeal Decision

Site visit made on 5 June 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/F5540/D/17/3174183

42 Amhurst Gardens, Isleworth, Middx TW7 6AJ

- 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 Mr Hassan Harb against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00036/42/PA1, dated 10 March 2017, was refused by notice dated 11 April 2017.
 - The development proposed is described as 'I have an extended room at the rear of my house it is extended already (3.5m). I want to knock the rear walls and extend it up to 6m in total so increasing the room by 2.5 metres'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of the occupiers of adjoining properties, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The submitted application form is undated. I have therefore used the date of the application referred to in the Council's decision notice in my banner heading above.

Main Issue

4. The main issue is whether the proposed development amounts to permitted development pursuant to Class A of Part 1 of Schedule 2 of the GPDO.

Reasons

5. In order to benefit from the provisions of Class A of Part 1 of Schedule 2 of the GPDO the proposed extension must meet all relevant criteria under this Class. In this case as the proposed extension would be within 2m of the boundary the eaves must be no more than 3m in height. The Appellant's original application form clearly states that the eaves height of the extension would be 3.5m and its total height 4m.
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6. I note that the Appellant in his grounds of appeal states that this is a mistake and the correct eaves height would be 3m, in line with the existing extension. Nevertheless I must determine the appeal based on what is set out on the original application form and as determined by the Council.
7. Consequently the proposal with an eaves height of 3.5m would not comply with the requirements of Class A of Part 1 of Schedule 2 of the GPDO and therefore would not be permitted development. Instead it would be development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance and cannot be addressed under the prior approval provisions set out in the GPDO. Alternatively it is open for the Appellant to apply again to the Council under the prior approval notification procedure.

Conclusion

8. As I have found that the proposal is not permitted development I have not considered any other matters raised. For the reasons given above I conclude that the appeal should be dismissed.

Y Wright

INSPECTOR