



Appeal Decision

Site visit made on 1 July 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/F5540/D/19/3227107

64 Dene Avenue, Hounslow, TW3 3AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ijaz Khan against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00345/64/PA5, dated 1 March 2019, was refused by notice dated 9 April 2019.
 - The development proposed is a 4.0 metre rear ground floor extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal constitutes permitted development under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons for the recommendation

4. The appeal site comprises 64 Dene Avenue, a semi-detached, two-storey dwelling in a suburban area of Hounslow. The appeal at hand relates to the erection of a single storey rear extension, with a depth of 4 metres (m) and a maximum height of 2.7m.
5. Schedule 2, Part 1, Paragraph A of the GPDO allows for the enlargement, improvement or other alteration of the original dwelling house. Paragraph A.1.(g) of that Class states that, with regard to dwellings other than detached dwellings, development is not permitted by Class A if it would have a single storey and extend beyond the rear wall of the original dwelling house by more than 6m or would exceed 4 in height.
6. However, paragraph A.4.(1) applies conditions to development permitted by Class A in the above circumstances, the details of which are set out at

paragraphs A.4.(2)(a) to (e). Key to these conditions is the requirement of paragraph A.4.(2) that the requirements of (a) to (e) must be provided before beginning the development. Paragraph A.4.(10) confirms the circumstances in which development may begin. Under the provisions of the GPDO set out above, if works have commenced on the development it would no longer benefit from the approval granted by Class A.

7. Evidently there is a history of enforcement cases at the site and the property appears to have been extended extensively. I note the photographs provided by the Council within their appeal submission, dated 5 April 2019, show a single storey rear extension under construction. At the time of my site visit, the development was verging on complete and comprised a two-storey rear extension, not the single storey subject to this appeal.
8. Based on the information before me and my observations on site, I have no reason to doubt that the that the development subject to this appeal had begun prior to a determination by the Council. The appellant seemingly admits within their evidence there was an error when constructing a proposed 3m extension, which resulted in the works being 3.6m in depth. As stated above, prior approval cannot be granted for development that has already begun.

Other Matters

9. The appellant's evidence presents several arguments although none are determinative given that the proposal cannot benefit from the 'prior approval' process for the reasons set out above. Firstly, the appellant argues that the extension built is only 0.4m deeper than that of the adjoining property at No.62, the occupier of which does not object to the development. However, the comparison to the size of the neighbouring property does not carry weight given this is not an appeal against a refusal to grant planning permission. Given work was commenced prior to the determination by the Council on whether prior approval was required, contrary to this, an assessment of living conditions was not undertaken by the Council.
10. The appellant also references a fallback position, given permitted development would apply for an extension of 3m without the need for prior approval. However, as the extension is over this allowance and has commenced, it is no longer under consideration within the prior approval procedure subject to this appeal. Similarly, whether or not there is sufficient amenity space has no bearing on the main issue.

Recommendation

11. For the reasons given above, and having regard to all other matters raised, the proposed scheme could not benefit from deemed permission under Schedule 2, Part 1, Class A of the GPDO. I therefore conclude that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR