



Appeal Decision

Site visit made on 28 August 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2019

Appeal Ref: APP/F5540/D/19/3231445

51 Munster Avenue, TW4 5BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under paragraph A.4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr P Sandhu against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00778/51/PA1, dated 19 March 2019, was refused by notice dated 30 April 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension at 51 Munster Avenue, TW4 5BG, in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 of the GPDO.

Main Issue

2. The main issue relates to whether or not the proposal constitutes permitted development under Schedule 2, Part 1, Class A of the GPDO, and if so, whether prior approval is required.

Reasons

3. The appeal site comprises a semi-detached house (the main dwelling). Close to the rear garden boundary of the appeal property lies a detached outbuilding constructed from red brick and fronted by two PVC windows and a door. It is proposed to erect a single-storey rear extension measuring 5.95m (length) x 2.95m (maximum height) which would project from the rear wall of the original dwelling.
4. The Council contends that the outbuilding to the rear is used as a separate residential unit. From what I can glean from the limited information provided by the Council in support of their reason for refusal, as the red-line boundary of the submitted plans includes both the outbuilding and the main dwelling, they are concerned that the extension would not relate to a single dwelling, but would instead comprise an extension within the red-line boundary of two separate dwellings, one of which does not have the benefit of planning permission.

5. Although not explicitly referred to by the Council, I am also of the view that the presence of a separate residential unit to the rear of the main dwelling would affect the extent of the curtilage associated with the main dwelling, which is significant, as permitted development rights only apply where a proposal falls within the curtilage of a single dwellinghouse.
6. It is not for me, as part of this Section 78 appeal, to determine whether or not the outbuilding constitutes a separate residential unit. However, the appellant has provided me with a copy of a letter and an e-mail, both of which were written by the Council's planning enforcement officer relating to site visits undertaken by them in relation to the use of the outbuilding. Whilst I do not know the date each of the visits were undertaken; the e-mail was dated 19th January 2019. Within the e-mail the planning enforcement officer confirmed that on both site visits there was no evidence that the outbuilding was being used as a separate self-contained residential unit. He concluded that 'there is no breach of planning control'.
7. The appellant has provided me with copies of Council tax invoices which appear to confirm that Council tax has been paid on both the outbuilding and the main dwelling. The Council's officer report also refers to the outbuilding being registered as a separate residential unit. However, any Council tax payments or other forms of registration made in association with the outbuilding are not necessarily reflective of its use in planning terms.
8. I cannot be certain that the circumstances have not changed since the site visits by the planning enforcement officer were carried out. However, the Council have not provided me with any meaningful evidence to contradict the planning enforcement officer's advice, to suggest that the outbuilding is, or has recently been used, as a separate residential unit. Having regard to this, and given the date of, and conclusions set out in, the letter and e-mail from the Council's planning enforcement officer confirming that the outbuilding was not being used as a separate residential unit, this is a matter to which I apply substantial weight.
9. As a consequence of my foregoing observations, I am satisfied that the appeal relates to a single dwelling, the curtilage associated with which includes both the outbuilding and the area of land which would be the subject of the proposed extension. Like the Council, I find that the proposal would meet all the other limitations contained within the GPDO and the details submitted satisfy the relevant requirements¹.
10. Following consultation by the Council through the application process, no objections from an owner or occupier of any adjoining premises to the proposed development have been received. Consequently, in the particular circumstances of this case, it is not necessary to consider the impact on the amenity of adjoining properties as part of this appeal given that the prior approval requirements under paragraphs A.4(7) and A.4(9) of the GPDO are not engaged.
11. Having regard to the aforementioned, I conclude that the proposed development constitutes permitted development and prior approval is not required as paragraph A.4(7) of the GPDO is not engaged. The proposal

¹ Schedule 2, Part 1, Class A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

satisfies the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A of the GPDO relevant to it.

Conclusion

12. For the reasons given above, I conclude that the appeal is allowed.

Matthew Woodward

INSPECTOR