



Appeal Decision

Site visit made on 18 November 2019 by Ben Phillips Bsc Msc

Decision by J Whitfield BA(Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 2 January 2020

Appeal Ref: APP/F5540/D/19/3234618

37 Argyle Avenue, Hounslow TW3 2LE

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Sarah Gregorowski against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00040/37/PA1, dated 5 June 2019, was refused by notice dated 12 July 2019.
 - The development proposed is described as a single storey rear extension and new openings along the side of the existing house.
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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 proposed development is permitted development for the purposes of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Reasons for Recommendation

4. The appeal property is a semi-detached dwelling with a lengthy rear garden. A prior approval application was sought for a single storey rear extension onto the property in addition to various openings on the side elevation. The plans show that the proposed full width single storey rear extension would extend between 4.25m and 5.18m from the rear wall of the property, as the existing rear elevation is stepped.
5. The prior approval procedure for extensions to dwelling houses under Schedule 2, Part 1, Class A is set out at paragraph A.4 of the GPDO. Paragraph A.4(3) allows a Council to refuse a prior approval application where, in its opinion, (a) the proposed development does not comply with, or (b) the developer has provided insufficient information, to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

6. The Council consider that given the stepped arrangement of the existing rear elevation, the proposed extension would extend beyond a wall forming the side elevation of the original house. Thus, it would fail to meet the limitation A.1(j) of Class A, Part 1, Schedule 2 of the GPDO, which states development is not permitted if *"the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would (iii) have a width greater than half the width of the original dwellinghouse."*
7. The appellant sets out that the proposed extension should not be considered as a side extension and disagrees with the Council's interpretation.
8. The technical guidance provided by the Government¹ makes clear at page 22 that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. The example it gives shows, in circumstances where there is a stepped rear wall, this is classed as a side wall. Where an extension is beyond any side wall, the restrictions in limitation A.1(j) of Class A will apply. The proposed extension in this case would clearly have a width greater than half the width of the original dwelling and therefore would fail to meet the limitation under A.1(j) of Class A.
9. The Council also refer to A.1(b) of Class A, Part 1, Schedule 2 of the GPDO in its refusal reason. This criteria sets out that development is not permitted if, that as a result of the works, *the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)*. There is no suggestion that the extension would exceed or come close to this 50% figure and the Council have not substantiated this.
10. A number of nearby dwellings with similar extensions have been listed by the appellant, however no information is before me regarding these including for example if the application was considered under the prior approval regulations or full planning permission. Reference is made to a previous application (PA/2019/2568) but no information relating to this is submitted. As such I can give these schemes/applications limited weight. Similarly, family need for the space is not relevant to the purposes of determining GDPO compliance.
11. In light of the foregoing, whilst there is no substantive evidence before me that proposed extension would exceed 50% of the total area of the curtilage in accordance with limitation A.1(b) of Class A as set out above, I conclude that the failure to accord with limitation A.1(j) of Class A means the proposal would not comply with the conditions, limitations and restrictions applicable to development permitted under Part 1, Class A, Schedule 2 of the GPDO. Therefore, the development does not constitute permitted development under Class A. There is therefore no need to consider the amenity of the neighbours or planning policy.

Conclusion

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

¹ Ministry of Housing, Communities & Local Government – Permitted development for householders Technical Guidance 2019 (page 22).

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

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

J Whitfield

INSPECTOR