
Appeal Decision

Site visit made on 8 January 2020

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/F5540/D/19/3234640

18 Basildene Road, Hounslow, Middlesex TW4 7LE

- 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 Harvinder Sidhu against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 00081/18/PA3, dated 21 January 2019, was refused by notice dated 11 July 2019.
 - The development proposed is single storey rear extension of 6m depth and a flat roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the notification for prior approval application form is dated 21 January 2019, it appears that it was received by the Council on 11 June 2019, which is the date also referred to in the appeal form. Therefore, the Council issued its decision notice within the required statutory determination period of 42 days.
3. The Council's decision notice states that it refused the application because it failed to include a plan indicating the site and showing the proposed development and any existing enlargement. Additionally, because the application failed to demonstrate that the extension sought and any existing additions on site did not cover more than half of the original unbuilt area. Consequently, the Council considered that the application did not comply with paragraph A.4.(2)(b) or paragraph A.1.(b) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Main Issue

4. The main issue is, therefore, whether sufficient information has been provided to establish that the proposed development complies with the conditions, limitations or restrictions applicable to development permitted under Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. Paragraph A.4.(3) of Schedule 2, Part 1, Class A of the GPDO, indicates that an application may be refused where: 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) i.e. the provision relevant to larger rear extensions of up to 6 metres deep and up to 4 metres high for a semi-detached house, as proposed here.

6. In order to be permitted development under Class A, a proposal must meet all the limitations and conditions under the class relevant to the proposal. One of the limitations is that development is not permitted under Class A if, under A.1(b), *'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)'*.
7. As defined in the 'Permitted development rights for householders: Technical Guidance',¹ 'curtilage' is *'land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.'*
8. Therefore, the extension and any other existing extensions or outbuildings must not cumulatively exceed 50% of the curtilage, which would include original front, rear and side gardens. As indicated in the Council Officer's Report there are existing structures within the rear garden. On my site visit, I saw two sizeable existing outbuildings in the rear garden, including one under construction but almost completed.
9. The proposed rear extension would be 6 metres deep and cover the full width of the rear elevation of the existing house. While a location plan was provided with the application, there is no site or block plan showing the existing structures, as required by paragraph A.4.(2)(b) of the relevant part of the GPDO. The appellant asserts that: *'The area covered for the 6m extension does not cover more than half the existing build'*. However, the lack of an appropriate scaled plan showing the site and existing structures, means that it has not been demonstrated that the proposed extension along with any existing additions or outbuildings would not exceed 50% of the total area of curtilage, excluding the ground area of the original dwelling house, as required under A.1(b).
10. Additional photographs of a historic Land Registry plan² have been supplied with the appeal documentation. It appears to indicate that the existing rear outrigger at the property may be an original part of the house, but that does not clarify the position with regard to the existing outbuildings. No up to date suitable site or block plan showing the existing site and outbuildings along with the proposed extension has been submitted with the appeal.
11. Consequently, I conclude, like the Council, that insufficient information has been provided to establish whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted under Schedule 2, Part 1, Class A of the GPDO. Therefore, as it is

¹ Ministry of Housing, Communities and Local Government: September 2019

² HM Land Registry; Middlesex Deeds Department: Dated 9 October 1928

not clear from the information provided if the proposed development would be permitted development, the appeal should be dismissed.

Other Matters

12. Although I note that a neighbour has objected on the grounds of effects on living conditions, there is no need for me to make a determination on that prior approval matter, as there is insufficient evidence that the development falls within the scope of permitted development, as detailed within Class A.
13. The appellant refers to numerous large rear extensions on other properties along the road and in the area. However, while that may be, it does not overcome the failure to provide appropriate plans or information sufficient to establish that the proposed extension would comply with the limitation within paragraph A.1.(b), as detailed above.

Conclusion

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

JP Tudor

INSPECTOR