

Appeal Decision

Site visit made on 12 February 2020

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

APP/F5540/X/19/3235103

38 Chapel Road, Hounslow TW3 1UL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal by the London Borough of Hounslow Council to grant a certificate of lawful use or development.
- The appeal was made by M Lachhar.
- The application, reference 00232/38/LAW3, dated 12 June 2019, was refused by a notice dated 17 July 2019.
- The application was made under section 192(1)(b) of the Act for a certificate of lawfulness of the proposed development.
- The development for which a certificate of lawful use or development was sought was for the erection of a single storey extension to the house.

Summary of decision: A certificate of lawfulness is not issued.

Appeal property

1. The appeal property is a 4.6m wide mid-terrace house at No. 38 Chapel Road, Hounslow. The house has a long narrow rear outrigger.

Proposal

2. The Appellant, Mr Lachhar, wishes to build a single storey extension to the staggered rear outrigger at No. 38. The submitted plans show that part of the outrigger closest to the rear wall of the house is just under 3m wide and about 3m deep. A narrower part of the outrigger extends further out to the rear. It is approximately 2m wide, 2m deep. The intention is to replace the 2m x 2m end part of the outrigger such that it would be nearly 3m wide and 3m deep. It would also extend further to the rear by 3m from the end of the 2m x 2m outrigger section.

Inspector's considerations

3. The Council agreed with Mr Lachhar that the proposed extension would comply with condition A.1(f)(i) to Class A, of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015, (the Order), as the rear extension would not be more than 3m deep from the rear wall of the house. But they said the project did not comply with condition A.1(j)(iii) because the extension would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse. The Council said the side wall of the single storey outrigger was classed as a side elevation of the original house.

4. The Council should have measured the "half width" limit against the maximum width of the house, some 4.6m rather than the 2.8m or so width of the outrigger. MHCLG publication, Permitted development rights for householders, Technical Guidance at p.23 shows the width of the original house, (measured at its widest point), is to be used for the purpose of calculating the "half width" limit for a side extension. The figure on p.23, (and that on p.24), shows that it is not the width of the narrower part of the dwellinghouse that is to be measured for the "half width" calculation, even where the extension may be built on to the narrower part of the house.
5. However, even on the correct "half width" calculation, Mr Lachhar's proposed extension at some 2.8m wide would be more than half the 4.6m maximum width of the house. The proposed rear and side extension at No. 38 Chapel Road would therefore not comply with condition A.1(j)(iii) to Class A, Schedule 2, Part 1 of the Order. Planning permission would be required.

FORMAL DECISION

6. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development in respect of the construction of a single story side extension to the rear outrigger of his house at No. 38 Chapel Road, Hounslow TW3 1UL was correct and that the appeal should fail. I exercise the powers transferred to me in section 195(3) of the 1990 Act as amended.

John Whalley

INSPECTOR