



Appeal Decision

Site visit made on 6 October 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/F5540/D/20/3246921

11 Cranmore Avenue, Isleworth TW7 4QW

- 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) 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 Ranvir Singh Dari against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00318/11/PA1, dated 24 October 2019, was refused by notice dated 27 November 2019.
 - The development proposed is, 1) Erection of single storey rear extension which would extend beyond the rear wall of the original house by 6 metres, for which maximum height would be 3.6 metres, and for which the height of the eaves would be 2.9 metres (Block A); and, 2) Erection of single storey rear extension which would extend beyond the rear wall of the original house by 6 metres, for which maximum height would be 3.55 metres, and for which the height of the eaves would be 2.9 metres (Block B).
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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. I consider that the main issue in this case is whether or not the proposed development would comprise development permitted by 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 property is located on the east side of Cranmore Avenue. It benefits from a small single storey projection to the rear, which the appellant refers to as a shed, and a single storey garage to the side. There is dispute between the parties as to whether these elements are original. The Council have provided details of building control records from February 1934. Although I am unable to read some of these documents, they relate to the erection of a single storey garage to the side of the dwelling. The drawing shows the single storey rear projection in place at that time. Moreover, identical elements are shown on the neighbouring properties and I have considered these to be original.

5. The appellant suggests that the building control documents only demonstrate an intention to construct a garage in 1934 and that the completion date is unknown. Further, the garage was not part of the original build of the dwellinghouse which was constructed in 1928. Nevertheless, the structure shown on the building control drawings is very similar to the garage that I observed and it is reasonable to consider that the date of the building control details is contemporaneous with its construction. Therefore, I consider that the garage pre-dates 1 July 1948 and I have treated it as part of the original dwelling for the purposes of this appeal¹.
6. Under Article 3(1), Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
7. With regards to the proposed rear extension (Block B) the existing shed is to be demolished. In cases where it is proposed to build an extension under Part 1, Class A, following the partial demolition of the dwellinghouse, the part to be demolished should be considered as part of the original dwelling. Thus, the shed is considered part of the original dwelling and the proposed extension must be assessed on the basis that it would extend beyond a wall forming a side elevation of the original dwellinghouse, as well as beyond a rear wall.
8. Paragraph A.1 (j) (iii) states that 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 have a width greater than half of the original dwellinghouse. It is clear from the submitted drawings that the proposed extension would have a width greater than half of the original dwellinghouse and, as such, this element of the proposal cannot benefit from permitted development.
9. With regards to the proposed extension to the side of the dwelling (Block A), the proposed extension would, notwithstanding that the garage would be demolished, extend more than 6 metres beyond its rear wall, which for the reasons I have set out forms a rear wall of the original dwellinghouse. As such, this proposed extension would not comprise permitted development.
10. I have had regard to the appellant's reference to the Technical Guidance² and in particular the example at page 20. While the illustration shown on that page indicates that a side extension can, providing it meets all other criteria, benefit from prior approval, the example extension is not shown to project from an original rear wall of the dwellinghouse. As such, this example is not directly comparable to the proposal before me.
11. The appellant has referred me to two appeal decisions in support of his case. One³ relates to the refusal to grant planning permission. I note that the Inspector in that case states that there is no indication within the GPDO or the Technical Guidance to suggest that applications for prior approval for two separate extensions cannot be made at the same time. The second appeal⁴ relates to the prior approval of two rear extensions where the Council appear to have considered that the prior approval process could not be used for more than a single extension. I do not have a copy of the plans relating to either

¹ In accordance with the glossary of the National Planning Policy Framework.

² Permitted development rights for householders, Technical Guidance, September 2019.

³ APP/M5450/D/17/3182619.

⁴ APP/G5180/D/17/3190299.

appeal before me, so cannot compare what was considered with this appeal proposal. Moreover, I do not consider that either decision considers the same issue that I have identified.

Conclusion and Recommendation

12. For the reasons given above, I conclude that the proposal does not comprise development permitted by Schedule 2, Part 1, Class A of the GPDO. Accordingly, I recommend that the appeal should be dismissed. It is clearly open for the appellant to apply for planning permission from the Council, in the first instance, for the proposed development.

Scott Britnell

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.

RC Kirby

INSPECTOR