



Appeal Decision

Site visit made on 29 November 2021 by B Phillips BSc MSc MRTPI

Decision by Nick Davies BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2021

Appeal Ref: APP/F5540/D/21/3278319

77 Roxborough Avenue, Isleworth, TW7 5HH

- 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 Mr Ahmed Alinoori against the decision of London Borough of Hounslow.
 - The application Ref 00966/77/PA1, dated 26 April 2021, was refused by notice dated 25 May 2021.
 - The development proposed is the construction of single storey rear extension.
-

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 (as amended) (the GPDO).

Reasons for the Recommendation

4. No.77 Roxborough Avenue is a semi-detached dwelling. A prior approval application was sought for a single storey rear extension which the plans show would extend, at full width, 6m to the rear.
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, the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A.
6. The Council considers that, given the stepped nature of the existing side elevation, the proposed extension would extend beyond a wall forming the side elevation of the original house. Thus, it would fail to meet 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 extending past a side elevation 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 given shows a stepped rear wall, but it does also demonstrate that the wall of the house that runs between the front elevation and the kitchen projection should properly be considered as a side elevation. Neither the legislation or the Technical Guidance sets out that a side wall must be physically connected to, or adjacent to, the proposed extension to constitute a side elevation wall in the context of Class A.
9. The guidance is clear that *‘where an extension is beyond any side wall, the restrictions in (j) will apply’*. There are no qualifications to the phrase ‘any side wall’ and there is nothing in the Technical Guidance to indicate that it should only apply to a side wall adjacent to the proposed extension. The proposed extension would extend past a side wall and 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.
10. My attention has been drawn to a number of examples where prior approval has been granted by the Council for proposals that the appellant contends are comparable to this case. I am not aware of the full circumstances surrounding each of these cases, but, in any event, they do not alter the legislation on which I must base my decision.
11. For the above reasons, I conclude that the extension would not accord with limitation A.1(j) of Class A. Consequently, 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. In these circumstances, there is no need for me to consider the impact of the development on the amenity of the neighbours or whether it would comply with planning policies.

Conclusion and Recommendation

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

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.

Nick Davies

INSPECTOR

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