
Appeal Decision

Site visit made on 8 March 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/A5270/D/21/3277848

19 Eskdale Avenue, Northolt UB5 5DJ

- 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 Charles Bosco against the decision of London Borough of Ealing.
 - The application Ref 213228PALHE, dated 8 April 2021, was refused by notice dated 20 May 2021.
 - The development proposed was originally described as single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply.

Main Issue

4. The main issue is therefore whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. The appeal property is a two-storey semi-detached dwelling. It is designed with a very small but distinct two-storey projection at the rear.
6. Development is not permitted by Schedule 2, Part 1, Class A of the GPDO 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 the width of the original dwellinghouse (paragraph A.1.(j)(iii)).

7. Page 22 of the Permitted Development Technical Guidance (2019) (the guidance) clarifies 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. Houses will often have more than two side elevation walls, and this is illustrated in the accompanying image on page 22 of the guidance, which illustrates a property with rear projections.
8. Having regard to the guidance, and the distinct nature of the rear projection, the narrow wall projecting from the living room and bedroom is a side elevation for the purposes of the GPDO.
9. The limitations to permitted development are based on the original dwellinghouse and apply even if part of the original wall is removed. In this case, the proposed extension would extend beyond the line of an original side elevation, even though the side elevation would be demolished as part of the proposed development. The proposed development would therefore fail to meet the restriction in A.1.(j)(iii) of the GPDO.
10. I therefore find that the proposed development would not satisfy the criteria to be permitted development, under the terms of Article 3, Schedule 2, Part 1, Class A of the GPDO.
11. As the proposal does not constitute permitted development, I have no need to consider the amenity of the neighbours. I note the appellant's reference to other extensions but whether or not they comply with the GPDO is not relevant to my determination of this particular case and they do not set precedents that override the provisions of the GPDO.
12. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR