



Appeal Decision

Site visit made on 25 April 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2022

Appeal Ref: APP/L5810/D/21/3280205

231 Whitton Dene, Whitton, ISLEWORTH, TW7 7NJ

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Christopher Gadsden against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/2218/PDE, dated 6 July 2021, was refused by notice dated 30 July 2021.
 - The development proposed is for a single storey rear extension.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by the appellant, Mr Gadsden, against Richmond Upon Thames London Borough Council. This application for costs is the subject to a separate decision.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO), planning permission can be granted for the enlargement of a dwellinghouse, subject to limitations and conditions.

Main Issue

4. The main issue is whether the proposed development would constitute permitted development under the terms of Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. The proposal is for a single storey rear extension. In terms of the depth and height of the proposed extension, it would meet with the limitations set by the GPDO. However, the issue is whether the proposed extension would also constitute a side extension as a result of the rear bay windows.
6. The bay window projects from the rear elevation of the house and has side elements to it. Although small sections, nonetheless the sides of the bay window would constitute side elevations. I have no evidence before me to suggest that the bay window to the rear is not an original feature of the house.

7. Under Class A, paragraph 'J' of the GPDO states that if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation (which in this case would include the sides of the bay windows) of the original dwellinghouse it should not have a width greater than half the width of the original dwellinghouse. As such, if the proposed extension creates a total enlargement which has a width greater than half the width of the original dwellinghouse, it would not be permitted development.
8. In this case, the proposed extension spans half the width of the dwelling. However, it would be attached to an existing single storey rear extension, which does not appear to be part of the original dwelling. Under paragraph (ja) of the GPDO the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account when considering the width. The total width would span most of the rear elevation of the house (thereby over half the original house width) and so does not comply with this criterion.
9. On the basis of the evidence before me, the proposed development would not satisfy the criteria to be permitted development, under the terms of Schedule 2, Part 1, Class A.1 of the GPDO. For information, this conclusion would be the same whether based on the flat roof proposal or that with the pitched roofs.

Other Matters

10. Since I do not conclude that the proposal would be permitted development, it is not necessary to consider the effect it would have on the amenity of the neighbouring occupiers in this case.
11. To note, this conclusion does not infer any opinion on the outcome of any future planning application that the appellant may now want to submit for the extension as proposed, now I have resolved that it is not permitted development.
12. As observed on site, there was already a single storey extension being built which did not appear to relate to the proposals with this appeal. My decision is based on the submitted plans and not the extension being built which I observed on site.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR