The Planning Inspectorate

Appeal Decision

Site visit made on 24 January 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/A5270/D/22/3298639
2 Hastings Road, West Ealing W13 8QY

- 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 Lepinay & Trofimovaite against the decision of the Council of the London Borough of Ealing.
- The application Ref 220367PALHE, dated 26 January 2022, was refused by notice dated 22 February 2022.
- The development proposed is a single story side return extension to original building.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development is permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 - as amended (The GPDO).

Reasons

3. 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.

4. The proposed development would extend beyond a wall forming a side elevation of the original dwellinghouse, which the appellant indicates forms part of a rear outrigger. I accept that the part of the development that would extend beyond the side wall of the rear outrigger would not have a width greater than half of the width of the original dwellinghouse. However, the width restriction does not solely apply to the part of the proposed development that would extend beyond the side wall.

5. The proposal is for a single extension which would extend from both a side wall and a rear wall of the original dwellinghouse. It must therefore be considered as a whole, rather than as distinct and separate side and rear extensions.

6. Limitations A.1.(j) and A.1.(j)(iii) of Schedule 2, Part 1, Class A, exclude the enlarged part from being permitted if it would extend beyond the side wall forming a side elevation of the original dwellinghouse, and, it would have a width greater than half the width of the original dwellinghouse. Given that the

whole of the proposed extension must be considered, and because the development would extend across almost the entire width of the dwellinghouse, it would not be permitted by Schedule 2, Part 1, Class A of the GPDO.

7. Even if I were to conclude that the rear single storey section of the building forms part of the original dwellinghouse, this would not lead me away from my previous findings.

8. I therefore conclude that the proposed extension is not permitted under the GPDO.

9. As the proposal does not constitute permitted development, I have no need to consider the effect of the development on the amenity of the occupiers of adjoining properties.

Conclusion

10. For the reasons given above, I conclude that this appeal should be dismissed.

V Simpson

INSPECTOR