



Appeal Decision

No site visit was made.

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/F5540/X/22/3301944

4 Prestwick Close, SOUTHALL, UB2 5SZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Floor plan it against the decision of London Borough of Hounslow.
 - The application ref P/2022/0738, dated 9 March 2022, was refused by notice dated 27 April 2022.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is a double storey rear extension.
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Procedural Matters

1. A site visit was not necessary in relation to the main issues of this appeal.

Decision

2. The appeal is dismissed.

Reasons

3. Permitted development for this type of extension within the curtilage of a dwellinghouse is covered by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [GPDO]. The relevant part is Schedule 2, Part 1, Class A (enlargement, improvement or other alteration of a dwellinghouse).
4. It permits the enlargement, improvement or other alteration of a dwellinghouse, but there are limitations, which if not complied with would mean such development is not permitted. One of these is if the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres, it would not be permitted.
5. The difficulty for the applicant is that the side boundaries to the rear of the property do not go straight towards the rear boundary but have a dog-leg in them. Therefore, the boundary at one side of the premises begins to converge towards the extension a little way out from the rear of the main property. So, while the gap between the extension and the boundary would satisfy the 2m rule where it adjoins the house, it would be closer than 2m at the end of the extension, where the boundary converges towards the extension.
6. Permitted development is not open to discretion. Drawings 01, 03A and 04A clearly shows the two-storey part of the extension would exceed 3m and be

within 2m of the boundary. Therefore, this would not be permitted development and planning permission is required.

Conclusion

7. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a double storey rear extension was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Graham Dudley

INSPECTOR