



Appeal Decision

Site visit made on 3 August 2023 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/A5270/D/23/3315851

42 Dordrecht Road, London W3 7TF

- 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 Paul Bretherton (Brethertoncreative) against the decision of the Council of the London Borough of Ealing.
 - The application ref. 225127PALHE, dated 4 December 2022, was refused by notice dated 13 January 2023.
 - The development proposed is described as a single storey extension following demolition of existing rear additions.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of 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) for development described as a 'single storey extension following demolition of rear additions' at 42 Dordrecht Road, London W3 7TF in accordance with the application ref. 225127PALHE, made on 4 December 2022, and the details submitted with it (including plans ref. 165.07 A; 165.04 A; 165.11; 165.02 A; and 165.06 A), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. 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, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. 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 with the conditions, limitations or restrictions that are applicable to such permitted development.

5. The application includes, in the description of development, some additional commentary on what the scheme comprises. This is confirmed by the plans and details supporting the appeal and as such, whilst they have been taken into account, I have not repeated them above. I have used the appellant's words, referring solely to what the proposed development would be in straightforward planning terms.

Main Issue

6. Whether the proposed development 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.

Reasons for the Recommendation

7. Development is not permitted by Schedule 2, Part 1, Class A, Paragraph A.1.(j)(iii) 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. The GPDO defines the original dwellinghouse as that existing on 1st July 1948.
8. The appeal property forms part of a terrace with the dwellings similar in appearance. There is a notable variation in the scale, design, and materials of the single storey rear extensions within the row, indicating that these were later additions.
9. The rear elevation of the main body of the appeal property is comprised of a traditional yellow brick and mortar with intricate and traditional architectural features such as coursed brick lintels. Such which are lacking on the rear projection. It uses more modern construction materials such as cement mortar and a damp proof membrane. Whilst it is comprised of yellow bricks which relate visually to the original building, these appear brighter and far less weathered, indicating a more contemporary date of construction. It is therefore more likely than not that the existing rear extension was a much later addition, constructed after 1st July 1948, and does not form part of the original dwelling.
10. The side elevation of the proposal would be parallel with that of the original dwelling, with the eaves extending marginally beyond this. The Permitted Development Rights for Householders: Technical Guidance (2019) (the guidance) consistently refers to the limits of permitted development as being the outer faces of their external walls. Page 18 of the guidance specifically refers to the measurement being taken from the outer edge of the wall of the extension, excluding any guttering or barge boards. It is reasonable that in the context of Schedule 2, Part 1, Class A of the GPDO, the 'enlarged part of the dwellinghouse' refers to any external wall of the proposed rear extension.
11. With the above in mind, and the demolition of the existing extension, the proposal would not extend beyond a wall forming a side elevation of the original dwellinghouse and thus would comply with the description of permitted development as defined by the above part and class of the GPDO. As no objections were received from the owner or occupier of any adjoining premises, the prior approval of the local planning authority is not required.

Conditions

12. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. No further conditions are necessary.

Conclusion and Recommendation

13. For the reasons given above, the scheme would comply with the description of permitted development set out by the relevant provisions of the aforementioned legislation. The appeal should therefore be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal.

John Morrison

INSPECTOR