



Appeal Decision

Site visit made on 9 August 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2023

Appeal Ref: APP/A5270/D/23/3318015

19 Crosslands Avenue, Hounslow, Southall UB2 5QY

- 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 the 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 Jeet Singh Khalsa against the decision of the Council of the London Borough of Ealing.
 - The application Ref 230279PALHE, dated 20 January 2023, was refused by notice dated 24 February 2023.
 - The development proposed is to undertake a single storey 6m rear extension behind the rear main wall of the house. The new extension will be 2.9m high and 2.9m to the eaves.
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Decision

1. The appeal is dismissed.

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 Matter and Main Issue

3. The wording of the description of development differs between the application form and decision notice, however both retain the same meaning. I have taken the description from the application form with the superfluous detail omitted.
4. The aforementioned legislative provisions grant a planning permission for an extension to a dwelling, within prescribed dimensions, subject to limitations. One of which being that it cannot extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse. This is the main issue of the appeal.

Reasons for the Recommendation

5. The appeal building is a semi-detached property on a corner plot. From the plans, it is evident that the rear elevation on the original property is stepped, with a small 'L' shape, part of which has and therefore forms a side elevation of the dwelling. The development proposed is for a rear extension which would see part of the existing rear elevation, including the side return, demolished.
6. In this instance, the proposal would extend beyond the side return, which forms a side elevation, and would also extend the full width of the original dwellinghouse. It would not therefore be permitted by Class A. Even though the

side return would be demolished through the building out of this proposal, the legislation is clear in that the limitations apply to the original dwellinghouse, which in this case, and in the absence of any compelling evidence to the contrary, is shown in the existing floor plans.

Other Matters

7. The appellant has referred to two examples of similar developments having been granted at Nos 37 and 61 Crosslands Avenue. I have not seen any additional detail on these schemes and am therefore unclear as to whether their circumstances are sufficiently similar to this appeal scheme. In any case, the remit of this decision is to assess the proposed development against explicit criteria of legislation and not to make a planning judgement which might balance harms, benefits or perceived precedents.

Conclusion and Recommendation

8. For the reasons given above, the appeal scheme would not comply with the description of permitted development as per the relevant class of the aforementioned order. The result of this is to recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR