



Appeal Decision

Site visit made on 26 September 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: 31st October 2023

Appeal Ref: APP/F5540/D/23/3321106

39 Brabazon Road, Hounslow TW5 9LL

- 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 Mrs Balwinder Kaur against the decision of the Council of the London Borough of Hounslow.
- The application ref. 00139/39/PA3, dated 13 December 2022, was refused by notice dated 2 February 2023.
- The development proposed is described as a 6 metre deep single storey rear extension.

Decision

1. The appeal is allowed and prior approval is 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 6 metre deep single storey rear extension at 39 Brabazon Road, Hounslow TW5 9LL in accordance with the application ref. 00139/39/PA3, made on 13 December 2022, and the details submitted with it (including plans ref. PL2A/SM/3261 – 00; PL2A/SM/3261 – 03; PL2A/SM/3261 – 04; and PL2A/SM/3261 – 05), 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 (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. 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.

Main Issue

4. Whether the proposal complies with Article 3(1) and Schedule 2, Part 1, Class A of the GPDO with specific regard to whether or not it is a dwellinghouse for its purposes.

Reasons for the Recommendation

5. The appeal property is a two-storey terraced dwelling. To the rear is a single storey building which has not been included within the red line boundary. The appellant has stated that this building has been converted to a self-contained dwelling. At the time of my site visit, the building appeared to afford to those who used it the facilities required for day to day private domestic existence. It is beyond the scope of this appeal to determine whether the use of the building as a self-contained dwelling is lawful.
6. Schedule 2, Part 1, Class A of the GPDO grants planning permission for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions. The proposal is for a single storey rear extension to the appeal property which, based on the evidence before me, meets the definition of a dwellinghouse set out within The Town and Country Planning (Use Classes) Order 1987 (as amended).
7. For the purposes of the GPDO a dwellinghouse does not include a building containing one or more flats, or a flat contained within such a building. The appeal property appears to function as a single dwellinghouse, has not been divided into flats, and is physically separate from the outbuilding. It is therefore not a flat, nor does it contain flats.
8. With the above in mind, the presence of the outbuilding, whether it be a self-contained dwelling or otherwise, has no pertinence in the determination of this appeal. The proposal would represent an extension to an existing dwelling and thus would comply with the description of permitted development as defined by the above part and class of the GPDO.

Conditions

9. 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. I have specified these above for clarity. No further conditions are necessary.

Conclusion and Recommendation

10. 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

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

John Morrison

INSPECTOR