



## 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: 2 November 2023**

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**Appeal Ref: APP/F5540/D/23/3324157**

**132 Catherine Gardens, Hounslow TW3 2PW**

- 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 Aruna Samarawickrema against the decision of the Council of the London Borough of Hounslow.
  - The application Ref 00215/132/PA3, dated 26 March 2023, was refused by notice dated 5 May 2023.
  - The development proposed is described as being for a single storey rear extension and floor plan redesign at 132 Catherine Gardens, TW3 2PW.
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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 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 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

5. The appeal property is a two-storey semi-detached dwelling. A small but distinct projection is located at the rear, shown on the submitted plans as part of the existing kitchen. The projection is of matching materials and design to

that of the appeal property. This architectural feature is present on the surrounding dwellings. The rear projection therefore, more likely than not, forms part of the original dwelling rather than being a later addition. The proposal would replace part of this rear projection, extending across almost the entirety of the rear elevation of the host dwelling.

6. Page 22 of The Permitted Development Rights for Householders: Technical Guidance (2019) (the guidance) clarifies that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls, as illustrated on an accompanying image on page 22 of the guidance.
7. The projection of the kitchen to the rear creates a side elevation for the purposes of the GPDO. The limitations to permitted development are based on the original dwellinghouse and apply even if part of the original wall is to be removed. The proposed development would extend beyond a wall forming the side elevation of the rear projection and have a width greater than half the width of the original dwellinghouse. Therefore, the proposal would fail to comply with Paragraph A.1.(j)(iii) of the GPDO. As such, the proposals would not satisfy the criteria to be permitted development, as defined by the above part and class.

### **Other Matters**

8. The appellant has referred to other extensions within the area. As I have not been supplied with any further details I cannot, as a result, be certain that they benefit from deemed or express planning permission. In any event, the appeal scheme seeks prior approval for an extension under the permitted development regime which requires compliance with explicit criteria rather than a balance of harm and/or development plan conflict with material considerations as would be the case of one seeking express planning permission. My conclusions do not therefore change.

### **Conclusion and Recommendation**

9. For the reasons given above, the appeal scheme would not satisfy the explicit limitations and exceptions of the above mentioned legislative provisions. The appeal should therefore be dismissed.

*N Unwin*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

10. I have considered all the submitted evidence and my representative's report and, on that basis, I dismiss the appeal.

*John Morrison*

INSPECTOR