



Appeal Decision

Site visit made on 16 April 2024

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/J0350/X/23/3327215
407 Rochfords Gardens, Slough, SL2 5XE

- 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 Mr Lincoln Ganiste against the decision of Slough Borough Council.
 - The application ref P/10566/001, dated 20 April 2023, was refused by notice dated 3 July 2023.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
 - The development for which a certificate of lawful use or development is sought is garage building not exceeding 2.5m in height.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to issue a LDC was well-founded. From the evidence before me, that turns on whether the proposed garage building would have been lawful on the date of the LDC application on the basis that it would have been granted planning permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

3. Based on the evidence, it is likely that the original property included both the two-storey semi-detached house and garage. The LDC sought is effectively to extend the width of the garage.
4. Subject to limitations and conditions, Article 3 and Schedule 2, Part 1, Class A of the GPDO grant planning permission for the enlargement, improvement or other alteration of a dwellinghouse. Limitation A.1(e)(i) is that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse. MHCLG Technical Guidance¹ explains that 'extend beyond a wall' comprises not only the area immediately in front of the wall, but also an area in front of a line drawn from the end of the wall to the boundary of the property.

¹ Ministry of Housing, Communities & Local Government Permitted development rights for householders – Technical Guidance – September 2019

5. Subject to limitations, Article 3 and Schedule 2, Part 1, Class E(a) of the GPDO grant planning permission for the provision within the curtilage of the dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such. Limitation E.1(c) is that development is not permitted if any part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
6. The Council's reasons for refusal refer to both Class A and Class E. The issue in dispute is essentially whether the front face of the garage forms part of the principal elevation of the original dwellinghouse.
7. The Technical Guidance explains that *'in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.'*
8. It is not uncommon for a garage to be in the same plane and to form part of a principal elevation of a house. However, in this case the garage is unconventionally attached to the front corner of the main house so that the vast majority of its length sits forward of the main building line.
9. I note that the garage is built in materials which match the main house, including contrasting soldier course above the garage door, as per the ground floor windows of the house. However, in the terms identified by the Technical Guidance, the garage cannot be said to include the main architectural features normally associated with a principal elevation.
10. Rather, the windows and the recessed main entrance door, including door knocker and letter box, visually articulated by feature timber boarding above, are all in the elevation of the two storey house facing the access road. That, having regard to the Technical Guidance, is clearly the front of the house and the principal elevation.
11. The Technical Guidance further states, under limitation A.1(e)(i) that *'The principal elevation could include more than one wall facing in the same direction - for example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such walls will form the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls.'*
12. Whilst the front of the garage faces in the same direction as the main house, it can clearly and only be perceived as a garage building rather than a bay window or other comparable architectural feature. Moreover, although attached in part, there is no internal connection between the garage and the house. As a matter of fact and degree, the garage does not form part of a staggered principal elevation of the original dwellinghouse.
13. Therefore, even if I found Class A to be applicable to the proposed development, the garage extension would extend beyond a wall which forms the principal elevation of the original dwellinghouse. It follows that, for the purposes of Class E, the garage extension would also be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

Thus, on the evidence before me and the balance of probabilities, the garage extension would breach the limitations set out in paragraphs A.1(e)(i) and E.1(c) of those classes.

14. Accordingly, the appellant has not demonstrated that either the proposed garage extension would not require planning permission, or that it would be granted planning permission by either Class A or Class B of the GPDO.

Other Matters

15. I understand the appellant's frustration over the fairness of the Council's apparent change in approach during the course of the application. Nevertheless, I have considered the proposed LDC afresh on the basis of the evidence before me and have arrived at the same decision as the Council.

Conclusion

16. For the reasons given above I conclude that the Council's refusal to grant a LDC 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.

Richard S Jones

INSPECTOR