



Appeal Decision

Site visit made on 6 June 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2024

Appeal Ref: APP/F5540/X/23/3334805

102 Netheravon Road South, Chiswick, London W4 2PZ

- 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 Haeder Ali Alyassriy against the decision of the Council of the London Borough of Hounslow.
 - The application ref 01286/102/LAW1, dated 17 September 2023.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful development is sought is described as alterations to the front porch.
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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.

Applications for costs

3. The appellant has made a costs application which is the subject of a separate decision.

Main Issue

4. The appellant suggests that the alterations to the roof would be constructed in accordance with the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), known as 'permitted development', specifically Class D, Part 1, Schedule 2 which relates to the erection or construction of a porch outside any external door of a dwellinghouse. However, the proposal would involve alterations to the existing front canopy and porch rather than the erection or construction of a porch. As such, it should be assessed against Class A, which relates to the enlargement, improvement or other alteration of a dwellinghouse.
5. The main issue is whether the Council's decision to refuse the LDC is well-founded.

Reasons for the Recommendation

6. Condition A.3(a) to Class A states that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a

similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

7. The external materials of the appeal property comprise white painted render and red brick walls, red clay roof tiles and painted timber and UPVC windows and doors. The proposal would remove the existing clay tiled pitched roof canopy and part of the clay tiled pitched roof of the single storey front porch. The appellant claims that the proposal does not include any rendering works and that the reduction of the roof over the existing porch would reveal the rendered part of the house on the front elevation.
8. The section of external wall that would be revealed by the reduction in height of the existing porch is exposed red brick, observed during my site visit. The submitted plans clearly depict this section of external wall matching that of the surrounding white render and would therefore require the use of render on this section of external wall. Furthermore, works involving the removal of the canopy would likely result in the exposure of a section of wall to which it is affixed, therefore necessitating the application of render to achieve the finish depicted on the submitted plans.
9. The Council's concern is that the painted render proposed for the front elevation would not match the clay tiles of the canopy and porch roof of which it would replace. Whilst this is true, it would match the render present on the external walls of the existing dwellinghouse. Consequently, the proposed render would be of similar appearance to that used in the construction of the exterior of the existing dwellinghouse.
10. Notwithstanding the above, the appeal site is located within the Old Chiswick Conservation Area (CA), which, for the purposes of the GPDO, is classified as Article 2(3) land. Schedule 2, Part 1, condition A.2(a) states that development under this class is not permitted where, in the case of Article 2(3) Land, it would consist of or include the cladding of any part of the exterior of the dwellinghouse with render. Given the proposal would require the use of render on the exterior walls of the property, it would not comply with the condition.
11. For these reasons, I conclude that the proposed alterations to the front porch would not comply with the requirements of Class A, Part 1, Schedule 2 of the GPDO so would not comprise permitted development.

Conclusion and Recommendation

12. For the reasons given above I conclude, on the evidence now available, that the proposal would not comprise permitted development and that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

A U Ghafoor

INSPECTOR