



Appeal Decision

Site visit made on 24 July 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Appeal Ref: APP/T0355/D/23/3335795

10 Castle Avenue, Datchet, Slough SL3 9BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required 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 appeal is made by Mr & Mrs Theodosios Miliotis against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02503.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Background and main Issue

2. The main issue is whether the appeal proposal constitutes development permitted under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. The appeal site comprises a chalet style detached dwelling. The original house included a central rear outrigger at ground floor. This was removed to enable the construction of a full width single storey rear extension pursuant to a planning permission in 2010¹ (the 2010 extension).
4. The appeal proposal is for a single storey rear extension to be joined to the 2010 extension. The proposed addition would be the width of the original outrigger.
5. Under paragraph A.1.(ja), development is not permitted where any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub paragraphs (e) to (j).
6. The total enlargement comprises the proposed extension and the 2010 extension. The total enlargement would therefore be a full width rear extension including a central projecting element.
7. Paragraph A.1.(j) concerns the enlargement of a dwellinghouse extending beyond the original wall forming a side elevation of the original dwellinghouse.

¹ Reference 10/00673

The side elevations of the original central outrigger would have formed part of the original side elevations of the house. As the total enlargement would create a full width extension, it would not comply with the restriction set out in A.1.(j)(iii) which requires any enlargement not to be greater than half the width of the original dwellinghouse.

8. The appellant's point that only the 2.29m extension either side of the original outrigger should be considered in determining whether the extension is half the width or less than the original house does not align with the requirements of paragraph A.1. (ja) and the advice contained within the 'Permitted development rights for householders - Technical Guidance' (September 2019) where it is clear that the entirety of the total enlargement should be considered against the limits set out in A.1. (e) to (j).

Conclusion

9. The proposed extension would not constitute development permitted under the GPDO. The appeal should therefore be dismissed.

L Francis

INSPECTOR