



Appeal Decision

Site visit made on 3 September 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/L5810/D/24/3339880

2a Bridge Way, Whitton, Twickenham, TW2 7JJ

- 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 Wayne Tyler against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref is 23/3002/PDE.
 - The development proposed is an extension to the ground floor living area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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, conditions, limitations or restrictions applicable to permitted development.
4. Paragraph A.4(7) to Part 1 requires the LPA to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
5. The evidence confirms that the Council undertook the required consultation with adjoining neighbours and no objections were received. Therefore, as no objection has been raised by an owner or occupier of adjoining premises, in the event the proposal was found to be permitted, prior approval as to the impact of the proposal on the amenity of adjoining premises is not required in this case.
6. In this case the Council refused prior approval on the basis that the proposed scheme would result in an extension that would extend beyond a wall that forms a side elevation and would have a width greater than half the width of

the original dwellinghouse. As such it would exceed the limitations set out under Class A.1(j).

Main Issue

7. The main issue is whether or not the proposal is permitted under Schedule 2, Part 1, Class A, of the GPDO with particular regard to Paragraphs A.1(g) and A.1(j).

Reasons

8. The appeal site, 2a Bridge Way, comprises a two-storey, detached dwelling which is accessed from Bridge Way. The proposed extension would be located to the rear of the host property. However, the rear elevation, as shown on the submitted plans, includes a small single storey projecting element (bay window).
9. The Technical Guidance¹, published by the Government, includes guidance on the application of the GPDO where the original dwellinghouse includes a staggered rear elevation, such as is the case in this appeal scheme. The guidance states that a wall forming a side elevation of a house will be any wall which cannot be identified as being a front or rear wall. A diagram found on page twenty-two of the guidance is particularly relevant in that it indicates that the side wall of the single storey projecting element, comprises a side elevation of the dwelling, as it cannot be described as either a front or rear wall.
10. Although the submitted plans show that the projecting element would be demolished, this would not preclude it from remaining part of the original dwellinghouse. The Technical Guidance defines the term 'Original' as a building as it existed on 1 July 1948 where it was built before that date, and as built if built after that date. Therefore, on the basis of the submitted plans, and in the absence of any evidence to the contrary, I find that the projecting element can be considered part of the original dwellinghouse for the purposes of applying the provisions of the GPDO.
11. Consequently, I conclude that the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse and would be more than half the width of the original dwellinghouse, given that it would be the same width as the dwelling. Therefore, it would exceed the limitations set out at Paragraph A.1(j)(iii) and does not constitute permitted development under Schedule 2, Part 1, Class A of the GPDO even if the proposal satisfies the limitations set out under Paragraph A.1(g).

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR

¹ Technical Guidance – Permitted Development Rights for Householder (2019)

