



Appeal Decision

Site visit made on 27 November 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/A5270/D/24/3346895

12 Calder Avenue, Perivale, Ealing, UB6 8JQ

- 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 Dominik Weglarz against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 241563PALHE.
 - The development proposed is described as "single storey rear extension, 4.1m in depth, 3.0m in height."
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of 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) for a single storey rear extension, 4.1m in depth, 3.0m in height, at 12 Calder Avenue, Perivale, Ealing, UB6 8JQ in accordance with the terms of the application, Ref 241563PALHE.

Main Issue

2. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons

3. Development is not permitted by Schedule 2, Part 1, Class A of the GPDO if the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse; or exceed 4 metres in height. It goes on to states that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, have more than a single storey, or have a width greater than half the width of the original dwellinghouse.
4. The Council refused the application citing that due to the proximity of the proposed extension to an existing garage, that cumulatively the development would have a total depth of 10.2 metres and have a width greater than half the width of the original dwelling house. The Council consider that the proposed development would therefore fail to comply with Schedule 2, Part 1, Class A of the GPDO.

5. The appeal site is a semi-detached, two storey dwelling with a detached garage to its side/rear. The proposed extension would be located to the rear of the property and would be attached to the rear wall of the original dwellinghouse. The proposed extension would extend the full width of the rear elevation with a maximum ridge height of 3 metres and an eaves height of 2.65 metres. The depth of the proposed extension would be 4.1 metres.
6. I acknowledge that the proposed extension would be in extremely close to the existing garage, with the submitted plans detailing a gap of approximately 100mm. However, neither the GPDO nor the Permitted development rights for householders Technical Guidance (2019) state that where extensions are in close proximity to an outbuilding that their measurements should be combined. Additionally, they do not require extensions to be located a certain distance away from outbuildings for them to be permitted development.
7. The appellant has confirmed that the extension would remain separate from the existing garage. The submitted plans, which are drawn to scale and annotated with these measurements provide sufficient clarity to demonstrate that the proposed development falls within the permitted development allowances.
8. There is no dispute between the parties that the proposal would comply with the remaining parts of the Order.
9. Accordingly, I therefore find that the proposed development would comply with the conditions and limitations set out in Schedule 2, Part 1, Class A of the GPDO.

Conditions

10. Paragraph A.3. of Part 1, Class A sets out the conditions subject to which development is permitted by Class A. Of these, only one is relevant namely, that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
11. Paragraph A.4.(11) further sets out that where prior approval is not required the development must be carried out in accordance with the information provided with the application unless the local planning authority and the developer agree otherwise in writing.

Conclusion

12. For the reasons given above, I conclude that the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO for which prior approval is not required. Therefore, the appeal is allowed.

Tamsin Law

INSPECTOR