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## Appeal Decision

Site visit made on 3 December 2024

**by A Hunter LLB (Hons) PG Dip MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 December 2024**

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**Appeal Ref: APP/F5540/D/24/3340550**

**39 Spring Grove Road, Hounslow TW3 4BF**

- 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 S Merchant against the decision of the Council of the London Borough of Hounslow.
  - The application Ref is 01048/39/PA1.
  - The development is a proposed single story 6m rear extension with associated internal alterations.
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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 GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Paragraph A.4.(10) of Part 1, Class A of the GPDO requires that the development must not begin before the receipt by the applicant from the local planning authority of a written notice giving prior approval.
4. Paragraph A.4 requires 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), which is applicable in this case. Paragraph A.4(7) provides that where any owner or occupier objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises, taking account of any representations received. This forms the basis of the reason why the Council refused the application.
5. Although the existing plans show no extensions to the rear side of the appeal property, I saw on my site inspection that a single storey rear extension was substantially constructed at the appeal property. It is located partly where the extension the subject of this appeal for prior approval is proposed to be sited. The parties' views on whether the existence of that extension affects this prior approval appeal have been sought and taken into account in my decision.

### Main Issues

6. Accordingly, the main issues are:

- Whether the proposal is permitted development in accordance with Class A, Part 1, Schedule 2 of the GPDO; and if so,
- Whether the impact of the proposed development on the amenity of all adjoining premises is acceptable.

### **Reasons**

7. The appeal property is a two-storey semi-detached dwelling, and the proposal is to extend it by some 6 metres at single storey level beyond its original rear elevation. As the existing plans did not show any extension to the appeal property's rear side and with their being no mention of its existence in the Council's report, the new rear extension I saw on my site inspection has likely been constructed very recently, which was also consistent with my site observations.
8. I also saw on my site inspection that the new extension, although having a shorter length than the appeal proposal (said to extend some 3 metres from the rear of the property) and different fenestration on its end elevation, partly occupies the same location as the appeal proposal. The appellant has also stated that a certificate of lawfulness<sup>1</sup> was issued by the Council in May 2024 for the rear extension. To this extent and given the constructed extension's similar roof design to the proposal, it is likely that the existing extension could reasonably be extended and altered to reflect the appeal scheme before me. As such, it is more likely than not, that works have commenced on the prior approval scheme the subject of this appeal. In any event, it would not now be possible to erect the proposal the subject of this appeal without altering the existing extension, which is not part of the proposal or within the prior approval remit of the Class A, Part 1, Schedule 2 of the GPDO.
9. That being the case, the proposed development does not meet the requirements set out at Paragraph A.4(10) of Part 1, Class A of the GPDO. Accordingly, given that development has already begun, prior approval cannot be given, and I find that the proposal is not permitted development having regard to Article 3(1) and Schedule 2, Part 1, Class A of the GPDO. In view of this, it is not necessary for me to consider the Council's reason for refusing prior approval in respect of the effect of the proposals on the amenity of adjoining premises.

### **Other Matters**

10. Comments have been made by the appellant and an interested party as to why prior approval should and should not be granted. However, as the proposal is not permitted development under Class A, Part 1, Schedule 2 of the GPDO, it has not been necessary for me to consider these further.

### **Conclusion**

11. For the reasons given above, the appeal should be dismissed.

*A Hunter*

INSPECTOR

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<sup>1</sup> Ref. no. P/2024/0702