
Appeal Decision

Site visit made on 21 January 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/Z5630/D/24/3348307

33 Fullbrooks Avenue, Worcester Park, Kingston Upon Thames KT4 7PE

- 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 Kamlesh against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref is 24/00728/PAEXT.
 - The development proposed is erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

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, improvement or other alteration of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for prior approval 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 the conditions, limitations or restrictions that are applicable to such permitted development. That has occurred here and the Council consider the proposal would fail to meet all the relevant criteria in order for it to be permitted development.
4. During the site visit I observed that works were underway to construct a single storey rear extension to the property. From the information provided it is not clear whether this is the extension to which this appeal relates and I return to this matter below.
5. Accordingly, the main issue is whether the proposal would be permitted development under the provisions of Schedule 2, Part 1, Class A.

Reasons

6. The relevant provisions of the GPDO are clear that the development must not begin before the occurrence of one of the criteria set out in paragraph A.4(10). Based on the information before me, if the works being carried out on site are those related to this appeal scheme, then that criteria would not be met. Prior approval cannot be granted for development that has already begun, even if it is

not complete¹, and even if the development was begun during the appeal process. As such, and in the absence of information on this matter, I cannot be satisfied that the provisions of the GPDO have been met.

7. However, even if the development underway was not that proposed under this appeal, the provisions of A.1(j) state that an extension cannot be permitted development if it would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse. Published guidance² states that side walls include those of rear projections.
8. The appellant accepts that the original property had a staggered rear elevation at ground floor level, albeit with a small projection from the main house. The rear projection in question has now been demolished and could not be observed during my visit. However, based on the evidence before me, I have no strong reason to conclude that the side of the original rear projection should not be considered a side wall. In combination with the width of the extension, criteria (j) would not therefore be met.

Conclusion

9. For the reasons given, the proposal would not meet the criteria for permitted development set out in Schedule 2, Part 1, Class A of the GPDO. The appeal is therefore dismissed.

C Shearing

INSPECTOR

¹ Winters v SSCLG & Havering LBC [2017] EWHC 357 (Admin)

² Permitted Development Rights for Householders: Technical Guidance