



Appeal Decision

Site visit made on 1 April 2025

by **Simon Hand MA**

an Inspector appointed by the Secretary of State

Decision date: 4th April 2025

Appeal Ref: APP/P0119/X/24/3344815

55 Wades Road, Filton, BRISTOL, BS34 7EB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Kejiu Lin against the decision of South Gloucestershire Council.
 - The application ref P24/00760/CLP, dated 23 March 2024, was refused by notice dated 16 May 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is the proposed building operations for the 3m single-storey rear extension.
-

Decision

1. The appeal is dismissed.

Reasons

2. The proposal is a single-storey rear extension. The Council argue that it fails Class A, A.1(j)(iii)¹, in that it extends beyond a side wall of the original dwelling and is more than half the width of the original dwelling.
3. The original dwelling has a stepped rear, so that the kitchen protrudes further out into the back garden than the dining room. This creates a side wall to the kitchen. The proposal is to extend the back of the house out by 3m, retaining the stepped rear, so that the new rear wall would be 3m deeper than the kitchen and 3m deeper than the dining room. The width of the whole extension is more or less the width of the original house, 5.6m and so is clearly more than the width of half the dwelling.
4. The appellant argues this is not the case, because he has split the extension into two, and includes only that part that is beyond the original side wall. That part is only half the extension and so is only half the width of the original dwelling. However, as noted above the whole extension is double that width. There is nothing in the wording of the GPDO that suggests only that part of an extension that is actually beyond the side wall should be counted. It says the “*enlarged part of the dwellinghouse*” should not extend beyond a side wall etc. In this case the enlarged part of the dwellinghouse is the whole extension.
5. This interpretation is supported by the technical guidance² which defines “enlarged part of the house as “*the enlargement which is proposed to be carried out under Class A*”, so it is clear it should be treated as a whole. The guidance goes on to

¹ Of the General Permitted Development (England) Order 2015

² Permitted development rights for householders Technical Guidance (September 2019)

note that some houses would have more than 1 side wall as a side wall is any wall that is not a front or rear wall and it says that “*where an extension is beyond any side wall, the restrictions in (j) will apply*”. It is clear the guidance mirrors the actual wording of the GPDO. There is no reason to treat the proposal as two extensions or to only look at that part that is actually beyond the side wall. It is a single extension, which, as a whole, extends beyond a side wall and is greater than the width of half the house. It is thus not permitted development and I shall not issue the certificate as applied for.

Simon Hand

INSPECTOR