



Appeal Decision

Site visit made on 27 March 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/A5270/D/24/3354114

59 Creighton Road, Ealing W5 4SH

- 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 David Weston against the decision of the Council of the London Borough of Ealing.
- The application reference is 242243PALHE.
- The development proposed is a single-storey rear extension (max 4m deep and max 3.85m high).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development as provided for by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter “the GPDO”).

Reasons

3. Schedule 2, Part 1, Class A of the GPDO allows for a variety of enlargements, improvements or other alterations to a dwelling house, subject to limitations set out in paragraphs A.1. and A.2. Paragraph A.1.(j) 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—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse.

4. The appeal relates to a two-storey dwelling within a short terrace of similar properties. The proposed development is the construction of a single-storey extension, which would span the full width of the existing rear elevation.
5. While the *Permitted development rights for householders – Technical Guidance*¹ is not in itself determinative, page 22 provides clear advice that “a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall”. There is currently setback within the rear elevation where the existing kitchen projects beyond the dining room. The setback is not deep, but the side-facing wall which exists is, in the GPDO’s terms, a side wall. The enlarged

¹ Available online at <https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

part of the appeal property would extend beyond this wall. The proposed extension would also be wider than half the width of the original dwellinghouse. The proposed development would not therefore comply with the restriction in Paragraph A.1.(j)(iii) of the GPDO.

Other Matters

6. As the appeal fails for what might be described as a “technical” reason, it has not been necessary for me to consider the planning merits of the scheme, as these could not alter my overall conclusion. Permitted development rights only apply when the development, and the implementation of that development, fully accords with the limitations and conditions set out in the GPDO. My conclusion in this appeal would not therefore have any bearing on any subsequent similar application for planning permission which might be (or may already have been) made.
7. My attention has been drawn to developments at Nos 6, 8 and 51 Creighton Road where the Council either concluded that prior approval was not required, or granted prior approval for what are described by the appellant as “identical applications”. However, while the plans provided to me appear to show that those properties originally had stepped rear walls similar to that at No 59, the evidence before me is clear that this appeal proposal does not comply with the limitations of the GPDO. This is not altered even if, as may be the case, errors have been made in respect of other similar applications nearby.

Conclusion

8. For the reasons set out above I conclude that the proposal would not be permitted development as provided for by Schedule 2, Part 1, Class A of the GPDO. The appeal is therefore dismissed.

M Cryan

Inspector