



Appeal Decision

Site visit made on 31 March 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 24th April 2025

Appeal Ref: APP/A5270/D/24/3351973

17 Windermere Road, Southall, Ealing UB1 2NZ

- 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 Jozef Piorkowski against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 242711PALHE.
 - The development proposed is gambrel roof extension with rendered finish in keeping with the existing building.
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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 gambrel roof extension with rendered finish in keeping with the existing building at 17 Windermere Road, Southall, Ealing UB1 2NZ in accordance with the application Ref 242711PALHE made on 10 July 2024, and the plans submitted with it; pursuant to Article 3(1) and Schedule 2 Part 1, Class A, paragraph A.4(2).

Preliminary Matters

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 of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for 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) 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 – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. The description of development in the banner above is taken from the Application Form. I have removed reference to “As shown in the attached drawings” as this does not refer to an act of development.

Main Issue

5. The main issue is whether the proposed extension would be permitted under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Reasons

6. The Officer's Report cited the criteria which a proposal must comply with to be considered permitted development. The only criteria said to be breached by the proposed extension is paragraph A.1(j)(iii) of Schedule 2, Part 1, Class A of the GPDO. It is the Council's contention that the side projections of the bay window comprise side elevations of the original dwellinghouse. Consequently, the Council contends that the extension would extend greater than half the width of the original dwellinghouse, beyond two of its side elevations.
7. It is not disputed that there was a two-storey bay window to the rear of the original dwellinghouse. However, a conservatory has been constructed which has led to the removal of this feature at the ground floor, but it is still present at the first floor.
8. The Government's Technical Guidance¹ states "a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or rear wall." Whether the side projection of a bay window forms a wall is a matter of planning judgement.
9. In this instance, the bay window is a three-sided shape with a depth of less than 30cm and the sides project at an angle of less than 30 degrees. The side projections include a significant amount of glazing. Even when it was a two-storey feature, due to its modest depth, the bay window was of a limited scale. The scale in combination with the shallow pitched sides and the extent of the glazing, means the bay window appears as a feature within the rear elevation, and the side projections do not form walls.
10. Whilst the proposed extension would extend to the full width of the original dwellinghouse, the extension would not be beyond its side elevations. Accordingly, the proposed extension would comply with paragraph A.1(j)(iii) of Schedule 2, Part 1, Class A of the GPDO. I conclude that the proposed extension would be permitted under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Conditions

11. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in paragraphs A.3 and A.4. I consider that no further conditions are necessary.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed and prior approval is not required.

J Hobbs

INSPECTOR

¹ Permitted development rights for householders: technical guidance, Ministry of Housing, Communities & Local Government, September 2019

