



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: 24 April 2025

Appeal Ref: APP/A5270/D/24/3354110

177 Whitton Avenue East, Greenford, Ealing UB6 0QF

- 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 Nadia Aslam against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 243122PALHE.
 - The development proposed was originally described as “The house is semi detached - attached on one side and ally way on the other. Currently we already have a 3m extension and are looking to extend this a further 2m - bringing the overall extension from the original house to 5m. This will be a single story extension. In the new proposed extension - it is proposed to use part of the space for a new bathroom including a toilet and shower. The reason for creating a new toilet and shower space is for ease of use for the elderly living in the house.”
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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 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.

Background and Main Issues

4. The Decision Notice included one reason for refusal which related to the proposed extension being contrary to the GPDO. In addition, the appellant has indicated that the proposed extension would provide more accessible accommodation for the occupiers of the appeal property. Therefore, the main issues of the appeal are:
 - whether the proposed extension would be permitted under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO; and,
 - the occupier’s personal circumstances and the need for the proposed extension, with particular regard to accessibility.

Reasons

GPDO

5. Article 2 of the GPDO defines original as buildings, other than those on Crown land, existing on 1 July 1948 as they existed on that date, or as built for those buildings built afterwards. There is no provision within the GPDO for a new baseline position for the original dwellinghouse once the building has been lawfully extended.
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 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 ground-floor extension has been constructed which has led to the removal of the bay window at the ground floor, but it is still present at the first-floor level.
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. The bay window has a rectangular shape with the sides almost perpendicular to the rear elevation of the appeal property. Although the bay window has a modest depth and its side projections includes glazing, due to its shape and the angle of the side projections the rear elevation appears stepped rather than flat. For these reasons, the side projections of the bay window appear as walls and form side elevations of the original dwellinghouse.
10. The proposed extension would extend to the full width of the original dwellinghouse and would be beyond its side elevations. Accordingly, the proposed extension would be contrary to paragraph A.1(j)(iii) of Schedule 2, Part 1, Class A of the GPDO. I conclude that the proposed extension would not be permitted under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Personal circumstances

11. I note that the proposed extension would facilitate a ground floor toilet and shower, which may be used by elderly occupiers of the appeal property. Age is a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010.
12. The proposed extension would provide more accessible facilities within the appeal property. Consequently, it would help eliminate discrimination against persons with the protected characteristic of age, advance equality of opportunity for those persons and foster good relations between them and others. Notwithstanding this,

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

there is no provision within the GPDO to balance the benefits of a proposal against the non-compliance with the stated criteria. Therefore, whilst I have had due regard to the PSED, it is both proportionate and necessary for me to dismiss the appeal.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR