



Appeal Decision

Site visit made on 24 June 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/Q3115/D/24/3355450

16 Wilson Avenue, Henley-on-Thames RG9 1ET

- 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) ('GPDO')
 - The appeal is made by Mr James Fox against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S2890/PDH.
 - The development is described as: The proposed is a single storey extension that will be used as a kitchen and dining area. It will be built in keeping with the materials used for the original house and will span 5m back from the original house. a single storey extension that will be used as a kitchen and dining area. It will be built in keeping with the materials used for the original house and will span 5m back from the original house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although a site visit was arranged, no one was available to allow me access into the property at the time. Irrespective, this appeal largely turns on the evidence before me. Therefore, I have proceeded with the appeal on this basis.

Background and Main Issue

3. Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, grants planning permission for the enlargement, improvement or other alteration of a dwellinghouse, subject to certain conditions, limitations or restrictions.
4. 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) of the GPDO but is allowed by paragraph A.1(g) to Part 1(larger home extension), paragraph A.4(3) provides that the local planning authority ('LPA') 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.
5. There is nothing to suggest that the proposed development would not meet the criteria at GPDO paragraphs A1. (a), (b), (c), (d), (e), (h), (i) and (k). At 5m long the proposal would exceed the limits in GPDO paragraph A.1.(f), but not those at paragraph A.1.(g). In such circumstances, where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the LPA is required as to the scheme's impact on any adjoining premises' amenity.

6. Paragraph A.4(7) to Part 1 of the GPDO, requires the LPA to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. In this case, whilst a neighbour has suggested that the utility room is not part of the original dwellinghouse, the LPA has confirmed that no objections with regard to the impact of the proposal on neighbour amenity was received from the owner or occupants of adjoining premises within the statutory 21-day consultation period.
7. However, Paragraph A.1(g) of the GPDO, requires that the enlarged part of the dwellinghouse would have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse.
8. In this case, the LPA is of the opinion that the original rear elevation of the appeal property is in part recessed, which has been infilled with a utility room, which is not part of the original dwellinghouse. Therefore, the proposed extension would extend more than 5m beyond the rear wall of the original dwellinghouse and does not benefit from permitted development.
9. Accordingly, the main issue is whether the proposed development is permitted under Schedule 2, Part 1, Class A of the GPDO.

Reasons

10. The original dwellinghouse is defined in the GPDO as the house as it existed on 1st July 1948 or if built after this date, when it was originally built. In this case, neither party has provided me with any indication of when the dwellinghouse was built.
11. The appeal property is a mid-terrace, period dwellinghouse, which is part of a block of four (numbers 14,16,18 and 20). There is an adjacent, similar block of four dwellinghouses. These are all double-fronted, two-storey properties.
12. The appellant has provided some evidence in support of the appeal. This includes a single image from historic mapping for a period between 1955 -1980. Based on this it would appear that the dwellinghouses 6 - 20 Wilson Avenue, incorporate a similar rear elevation which is in part recessed. However, the two central properties within each block incorporate an infill element, which includes the appeal property and 18 Wilson Avenue. Even so, the footprint of the infill element does not reflect what is shown on the existing drawing of the appeal property.
13. The more recent aerial photography image from 2004/2005 also appear to show an infill element to the rear elevation of the appeal property. On the aerial image from 1999/2000 because of the blue shading used to identify the appeal property, it is difficult to ascertain if the rear infill element exists.
14. Even if I were to accept the appellant's position that the 1999/2000 aerial photography image also shows the utility room and that there are no images without the utility room, the above evidence is inconclusive as to whether or not the utility room was part of the original dwellinghouse. In particular, because the submitted evidence does not provide any certainty over when the appeal property was originally built.

Conclusion

15. For the above reasons, I cannot be certain that the proposal would be permitted development under Schedule 2, Part 1, Class A of the GPDO. Therefore, the appeal should be dismissed.

M Aqbal

INSPECTOR