



Appeal Decision

No site visit made

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/F5540/X/24/3347336

3 Stucley Road, Hounslow TW5 0TN

- 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 Mrs Veena Sharma against the decision of the Council of the London Borough of Hounslow.
- The application ref P/2024/0620, dated 3 May 2024, was refused by notice dated 27 June 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 for the proposed erection of a new front porch.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the erection of a new front porch which is found to be lawful.

Applications for costs

2. An application for costs was made by Mrs Veena Sharma against the London Borough of Hounslow Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development cited in the LDC application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the proposed plans which were submitted and determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading above and paragraph 1 of my Decision.
4. For the purposes of obtaining a LDC the burden of proof lies with the appellant, and the standard of proof is the balance of probabilities. The relevant date for ascertaining whether the proposed development would be lawful is the date of the application. Consequently, the planning merits of the case are not relevant.

Main Issue

5. The main issue, therefore, is whether the decision of the Council of the London Borough of Hounslow to refuse to grant a LDC, was well-founded.

Reasons

6. The appeal site is a two storey semi-detached family dwellinghouse in Stucley Road, Hounslow. The property has a traditional design featuring a gabled bay window to the front and a hipped two-storey extension to the flank elevation. The proposal is to provide a larger porch extension to the front door.
7. The appellant contends that the proposed front porch would be permitted by Schedule 2, Part 1, Class D of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order, 2015, as amended (GPDO), which provides for the erection or construction of a porch outside any external door of a dwellinghouse as permitted development. Under Class D, the ground area (measured externally) of the structure must not exceed 3m².
8. The point of dispute between the parties involves whether or not the ground area exceeds the 3m² maximum. Whereas the appellant contends the ground floor area is approximately 2.98m² which, whilst close to the 3m², is nevertheless under the maximum limitation, the Council contends that the external area including the roof overhang is 3.6m², thus in breach of the limitation.
9. The GPDO does not provide any guidance on how Class D.1 (b) should be interpreted nor does the *Permitted Development for Householders: Technical Guidance* (TG)¹. In such cases, it is for the decision maker to adopt a purposive approach to the interpretation of legislation. The Collins English Dictionary defines the terms i) ground; ii) area; and iii) externally as:
 - i) Ground - the surface of the earth.
 - ii) Area - a piece of land or part of a building that is used for a particular activity.
 - iii) Externally - something is on the outside of a surface or body, or that it exists, happens, or comes from outside.
10. From the details before me, the ground area of the porch (i.e. the piece of land used for the porch on the surface of the earth) when measured externally would not exceed 3m². Whilst I acknowledge that a roof overhang may indeed exceed 3m² when measured externally, there is no provision within Class D of the GPDO which explicitly states a roof overhang should be included within the external measurement of the ground area. Thus, there is no conflict with D.1 (b).
11. Whilst the TG does not provide clarity in respect to the interpretation of porches under Class D, parallels can be drawn from the TG advice relating to Class B which is concerned with general roof additions. Here the guidance provides clarification in respect to roof extensions overhanging the outer face of the wall of the original house. The TG states '*an interpretative provision at paragraph B.4 of Class B, clarifies that for these purposes any roof tiles, guttering, fascias, barge boards or other minor roof details which overhang the outer face of the wall should not be considered part of the roof enlargement.*'² Taking a similar approach in respect to the porch in this particular case, I consider the roof overhang would be deemed as minor roof details and therefore should not be considered as part of the ground area.

¹ September 2019

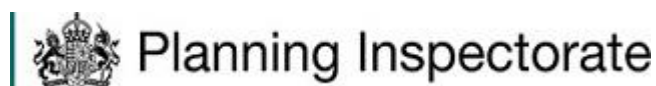
² Page 36 of the Permitted development rights for householders - Technical Guidance September 2019

Conclusion

12. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for the proposed erection of a new front porch is not well-founded and that the appeal should succeed. I will exercise, accordingly, the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Robert Naylor

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 3 May 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red and cross-hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed erection of a new front porch at Stucley Road, Hounslow TW5 0TN is “permitted development” falling within Class D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for which planning permission is granted by Article 3(1) of that Order.

Signed

Robert Naylor

Inspector

Date: 14 July 2025

Reference: APP/F5540/X/24/3347336

First Schedule

The erection of a new front porch as shown in drawings: Location Plan, Proposed Block Plan, 1036/09, 1036/10, 1036/11, 1036/12, 1036/13, 1036/14, 1036/15 and 1036/16.

Second Schedule

Land at: 3 Stucley Road, Hounslow TW5 0TN

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 14 July 2025

by Robert Naylor

Land at: 3 Stucley Road, Hounslow TW5 0TN

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Scale: Not to Scale



PROPOSED BLOCK PLAN