



Appeal Decision

by John Braithwaite BSc(Arch) BA(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2025

Appeal Ref: APP/H5390/X/24/3342483

4 Steventon Road, London W12 0SL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Ms Sian & Mark Thomas against the Council of the London Borough of Hammersmith and Fulham.
 - The application ref 2023/02042/CLP is dated 18 August 2023.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is ground floor extension and roof extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires, mostly, an assessment of the proposed development against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). The proposed development is shown on drawings submitted with the application. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 4 Steventon Road is a small dwelling. The main part of the dwelling comprises a living area, a small kitchen, a bathroom, a hallway and a mezzanine over the ancillary accommodation and part of the living area. The west side elevation of the main element of the dwelling is on the property boundary. Attached to the main part of the dwelling, on its east side, is a single storey, single room, secondary element that has a hipped roof. On the south and east sides of the dwelling are narrow garden areas. The dwelling was built pursuant to the grant of planning permission 1991/00164/RES for 'erection of a single storey detached residential unit' on 14 May 1991.
4. Condition 03 of the planning permission is 'Pursuant to Article 3(1) and the provisions of Article 3(2) of the Town and Country Planning General Permitted Development Order 1988, Class 1 of Schedule 1 to the said order (being development within the curtilage of the dwellinghouse) shall not apply to the dwellinghouse to which this permission relates, and no such development within the curtilage of the dwellinghouse shall take place without the prior permission of the council'. The Council has pointed out that the condition should have referred to 'Part 1 of Schedule 2' rather than 'Class 1 of Schedule 1'.

5. The error in the condition is just that, an error. Schedule 1 of the 1988 GPDO simply sets out those areas of the country that are Article 1(5) and Article 1(6) land, whereas Schedule 2 sets out development that is permitted under its terms. It is clear, furthermore, that the condition relates to withholding permission for 'development within the curtilage of a dwellinghouse' as this is expressly stated; "...no such development within the curtilage of the dwellinghouse shall take place without the prior permission of the council", which cannot be clearer. Permitted development rights under the GPDO are withheld by condition 3 and any development within the curtilage of the appeal dwelling requires the grant of planning permission by the Council.

6. The proposed development for which an LDC is sought comprises two separate elements; a single storey flat roofed rear extension and a single storey part flat roofed side extension to the single storey side element of the original dwellinghouse. The latter element includes the remodelling of the hipped roof over the original side element to be a monopitch roof.

7. Class A of Part 1 of Schedule 2 of the GPDO states that the enlargement of a dwellinghouse is permitted development. Development is not permitted under Class A, as set out in paragraph A.1 if, amongst other things, (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would, amongst other things, have a width greater than half the width of the original dwellinghouse. The rear elevation of the original dwellinghouse is staggered because the rear elevation of the secondary element is set back from the rear elevation of the main part of the original dwellinghouse. The set back results in the main part of the dwelling having an east side elevation at the rear.

8. The proposed single storey flat roofed rear extension would extend to either side of the set back and it would therefore extend beyond a side wall of the dwellinghouse. The proposed extension would extend across the whole width of the rear of the dwellinghouse and would therefore have a width greater than half the width of the original dwellinghouse. The Government has published Technical Guidance to Part 1 of Schedule 2 of the GPDO. This guidance confirms that "Where an extension is beyond any side wall, the restrictions in (j) will apply". The proposed rear extension would not satisfy the restrictions of paragraph A.1(j) and would not thus be development permitted under Class A of Part 1 of Schedule 2 of the GPDO.

9. The Council has assumed, for the purposes of applying the provisions of the GPDO, that the single storey secondary element of the dwelling is a previous extension to the original dwellinghouse. It is not an extension but part of the original dwellinghouse. The Council's claim that the side extension would not satisfy the restrictions of paragraph A.1 (h) and (i) of Class A is therefore misplaced.

10. The proposed rear extension would not be, as set out above, permitted development. But this finding is academic because permitted development rights under the GPDO are withheld by condition 3 of planning permission 1991/00164/RES.

11. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for ground floor extension and roof extension at 4 Steventon Road, London was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector