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## Appeal Decision

Site visit made on 2 December 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

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**Appeal Ref: APP/M5450/D/25/3373383**

**67 Fairview Crescent, Raynors Lane, Harrow HA2 9UB**

- 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 Mrs Nishma Shah against the decision of the Council of the London Borough of Harrow.
  - The application Ref is PL/1462/25.
  - The development proposed is single storey rear extension: 4.95 metres deep, 3.95 metres maximum height and 2.69 metres high to the eaves.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The description of development above is taken from the decision notice as this succinctly describes the proposal. Both parties have used this in their submissions, so I am satisfied that no one is prejudiced by this approach.

### Background and Main Issue

3. 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.
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) 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 with the conditions, limitations or restrictions that are applicable to such permitted development. On this basis, it is the Council's view that the height of the proposed development has not been measured from the ground level as stipulated in paragraph A.1(i) and would include the construction of a raised platform described in paragraph A.1(k)(i).
5. Consequently, the main issue is whether the proposal would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

### Reasons

6. As a result of the slope of the garden there is an existing raised patio at the rear of the appeal property, from which the height of the proposed extension has been

measured. The Permitted Development Rights for Householders Technical Guidance (2019) (the HTG) states that reference to height in the GPDO is the height measured from ground level. Ground level is defined as the surface of the ground immediately adjacent to the building in question and would not include any addition laid on top of the ground. As the patio is laid on top of the ground it is not 'ground level' in the terms of the GPDO. On this basis, the way in which the eaves height has been measured is not consistent with the guidance.

7. It is not disputed that the ground level is not uniform at the appeal site. The HTG sets out that where ground level is not uniform, then the ground level is the highest part of the surface of the ground next to the building. Although the patio is the highest part next to the appeal property, and even if it is a consistent level, for the reasons given above, as it is laid on top of the ground, it is not the highest part of the surface of the ground for the purposes of the GPDO. Accordingly, the maximum height of the proposed extension has not been measured from the ground level, as required by GPDO paragraph A.1(i).
8. GPDO Paragraph A.1(k)(i) states that development is not permitted by Class A if it would consist of or include the construction or provision of a verandah, balcony or raised platform. The HTG clarifies that raised in relation to a platform means a platform with a height greater than 0.3 metres (m). The proposal includes an area beyond the proposed rear extension which the appellant contends is similar to a patio. It is also suggested that it would have no detrimental effect on neighbours, as a verandah, balcony or raised platform would. While that may be the case, I have no clear reason to find otherwise that a patio could be considered as a platform as it is a raised level surface on which people or things can stand on.
9. The Council indicate that this element of the appeal scheme would have a height greater than 0.3 m, and the HTG is clear that a raised platform is any platform with a height greater than 0.3 m. The proposed extension would therefore include the construction of a raised platform, and in line with GPDO Paragraph A.1(k)(i) would fall outside of the scope of permitted development.
10. To conclude, the proposed development would not be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

## **Conclusion**

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

*F Harrison*

INSPECTOR