



Appeal Decision

by Ms S Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

Appeal Ref: APP/W0340/X/25/3364394

32 Hollybush Lane, Burghfield Common, Reading, West Berkshire, RG7 3JR

- 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 Joanne May against the decision of West Berkshire District Council.
 - The application ref 25/00551/CERTP, dated 11 March 2025, was refused by notice dated 1 April 2025.
 - 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 is an extension to the rear of an existing dwelling.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue is whether the Council's decision to refuse the LDC was well founded. This turns on whether, at the time of the application, the proposed works would have constituted permitted development under Article 3 and Schedule 2, Part 1, Class A to The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). The planning merits of the proposal, such as character and appearance and any effect on neighbours, are not relevant.
3. For the extension to be permitted development (PD) under Article 3 and Schedule 2, Part 1, Class A, it would need to comply with various criteria. Development is not PD if:

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
4. The proposed rear extension is part single and part two storey. The two-storey element would be in the middle with the single-storey elements on either side. One of the single storey elements is within 2m of the boundary. It is only the two-storey element that would have an eaves height of over 3m but this taller part of the extension would be more than 2m away from the boundary.
5. However, the "enlarged part" of a dwellinghouse for the purposes of the Town and Country Planning (General Permitted Development)(England) Order 2015 Part 1 Class A (the GPDO) is all of the extension. This means that the whole of the proposed extension would have to be at least 2m from the boundary and not just the part of it that has an eaves height under 3m.

6. This is explained in *The Permitted Development Rights for Householders Technical Guidance*¹ which states that “Where **any part** (my emphasis) of a proposed extension to a house is within 2 metres of the boundary of its curtilage, then the maximum height of the eaves that is allowed for the proposal is 3 metres”.
7. Therefore, the proposed extension is not PD because it is within 2m of the boundary and has an eaves height over 3m. For the purposes of the GPDO, It makes no difference that the particular part that is within 2m of the boundary has an eaves height of under 3m.

Conclusion

8. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for an extension to the rear of an existing dwelling is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

S Watson

INSPECTOR

¹ September 2019 Ministry of Housing, Communities and Local Government