



Appeal Decision

Site visit made on 20 January 2026

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2026

Appeal Ref: APP/A5270/X/24/3338721

115 Bilton Road, Ealing, Perivale, UB6 7BD

- 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 Mr Chandrakumaran Sivasubramaniam against the decision of the Council of the London Borough of Ealing.
 - The application ref 234642CPL, dated 21 November 2023, was refused by notice dated 8 January 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 is described as "Erection of single storey rear extension. Extension depth is 3m."
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 06 February 2026.

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operations which are found to be lawful.

Preliminary Matters

2. By the time of my site visit, a rear single storey extension had been erected at the appeal property. Nevertheless, I am still able to consider the appeal under s192(1) of the 1990 Act because the determination is to be made as to whether the proposed development, as shown on the submitted plans, would have been lawful at the time of the application. To that end, the onus of proof lies with the appellant to make his case on the balance of probabilities.

Main Issue

3. The main issue is whether the Council's decision to refuse to issue a LDC was well-founded. That turns on whether the proposed operations would be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

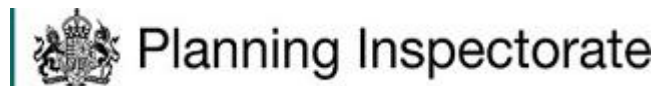
Reasons

4. Article 3 and Schedule 2, Part 1, Class A of the GPDO grant planning permission for the enlargement, improvement or other alteration of a dwellinghouse - subject to limitations and conditions.

5. The appeal relates to a two storey, mid-terrace dwelling. The Council's reason for refusal is that the proposed extension would extend out from a side elevation (to the side of the existing rear projection) and would be wider than half the width of the original dwellinghouse, thereby failing to comply with Class A limitations A.1(f)(i) and A.1(j)(iii).
6. However, limitation A.1.(f)(i), insofar as it relates to the appeal property, is that the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3m. The plans clearly annotate the depth of the extension at 3m so that limitation would not be breached. That is acknowledged in the Council's delegated report.
7. Limitation A.1(j)(iii) is that the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. That clearly isn't what is proposed; the plans show that the extension would sit directly behind the main rear elevation and that there would be no extension beyond any side wall.
8. Indeed, doing so on this mid-terrace dwelling would involve building on the neighbouring property and I saw that wouldn't even be possible as both flanking dwellings had already been similarly extended. The Council's delegated report refers to extending beyond the side wall of the original outrigger but the plans do not even show an outrigger in place. There is a rear bay window, but that would likely form part of the rear wall of the dwellinghouse.
9. The Council does not raise any other reason why the extension would not be permitted development and I find no reason to do so either.
10. Accordingly, the proposed single storey rear extension, as shown on the plans submitted with the application, would have been lawful on the date of the application on the basis that it would have been permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the GPDO and thus would have been granted planning permission by Article 3(1) of the same, subject to the condition in paragraph A.3.(a) - that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
11. I therefore conclude that the Council's refusal to grant a LDC was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Richard S Jones

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 21 November 2023, the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and would be granted planning permission by Article 3(1) of the same.

Signed

Richard S Jones

INSPECTOR

Date: **[]**

Reference: APP/A5270/X/24/3338721

First Schedule

Erection of single storey rear extension. Extension depth is 3m.

Second Schedule

115 Bilton Road, Ealing, Perivale, UB6 7BD

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 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, 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any 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: []

by Richard S Jones

115 Bilton Road, Ealing, Perivale, UB6 7BD

Reference: APP/A5270/X/24/3338721

Scale: Not to Scale

