



Appeal Decision

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/Z0116/X/26/3377644

41 Radley Road, Fishponds, Bristol BS16 3TG

- 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 David Stewart against the decision of Bristol City Council.
 - The application ref 25/14978/CP, dated 13 November 2025, was refused by notice dated 21 January 2026.
 - 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 new single storey rear extension to existing house.
-

Decision

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

Preliminary Matter

2. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue in the appeal is whether the Council's refusal to grant an LDC was well-founded. This turns on whether planning permission is granted for the proposal by Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

4. The burden of proving that an LDC should be issued rests firmly on the appellant, the relevant test of the evidence being on the balance of probability.
5. The appeal property contains a two-storey, semi-detached dwelling. The proposal entails erecting a single storey extension at the rear of the dwelling alongside a previous single storey enlargement. This would involve the carrying out of building operations, falling within the definition of development set out in s55(1) of the Act. Planning permission is required for the carrying out of any development of land, having regard to the Act at s57(1).
6. At Article 3, Schedule 2, Part 1, Class A, the GPDO grants planning permission for the enlargement, improvement or other alteration of a dwelling. This is subject to all of the size and locational limitations in paragraphs A.1 and A.2 and the conditions in paragraphs A.3 and A.4 being met, where relevant.

7. According to the submitted drawings the extension would protrude 3.54m from the rear wall of the original dwelling, with an overall height of 3.825m. The depth of the extension would therefore exceed the 3m limit for a semi-detached dwelling permitted by paragraph A.1(f)(i). However, a single storey rear extension can be larger than that allowed under paragraph A.1(f), provided it satisfies paragraph A.1(g). Subject to certain locational restrictions, none of which apply in this case, this would permit a single storey extension which protrudes up to 6m from the rear wall of the original dwelling.
8. To be permitted by Class A, an extension falling in paragraph A.1(g) must also comply with the conditions set out in paragraph A.4. Those conditions make development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) subject to a prior notification procedure. The appellant gave prior notification to the Council in September 2025 for erecting a single storey rear extension at the property. A copy of a Council decision notice dated 29 October 2025 confirms that this extension did not require prior approval.¹ The stated dimensions of the prior notification extension correspond closely with those of the proposal. There is little material difference between the proposal and the extension shown on the drawings that accompanied the prior notification submission. As a result, the prior notification procedure has been complied with in respect of the proposal and being in accordance with the information provided to the Council as part of that procedure, all the conditions in paragraph A.4 are satisfied.
9. Since the proposal would not extend beyond a wall forming the side elevation of the original dwelling, the width limitation at paragraph A.1(j)(iii) is not relevant in this instance. There is no dispute that the proposal would satisfy all the other limitations in paragraph A.1 relevant to a single storey rear extension and that the relevant condition in paragraph A.3 relating to the use of similar external materials is satisfied, whilst paragraph A.2 does not apply. I concur.
10. Accordingly, the appellant has discharged the burden on them to prove that the proposal is granted planning permission by the GPDO at Article 3, Schedule 2, Part 1, Class A and is lawful for planning purposes.

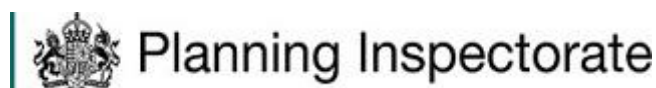
Conclusion

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a new single storey rear extension to the existing house 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).

Stephen Hawkins

INSPECTOR

¹ Council Ref: 25/13967/HX



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 13 November 2025 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red 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:

Based on the available evidence and on the balance of probability, planning permission is granted for the proposal (as shown on drawings reference 41 Radley Road Drawing 01 Revision 03 & block plan) by Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

Stephen Hawkins

Inspector

Date: **10 April 2026**

Reference: APP/Z0116/X/26/3377644

First Schedule

New single storey rear extension to existing house

Second Schedule

Land at 41 Radley Road, Fishponds, Bristol BS16 3TG

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 this decision dated: **10 April 2026**

by Stephen Hawkins MA, MRTPI

Land at: 41 Radley Road, Fishponds, Bristol BS16 3TG

Reference: APP/Z0116/X/26/3377644

Scale: Not to Scale

