
Appeal Decision

Site visit made on 14 April 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2026

Appeal Ref: APP/G3110/X/25/3367795

53 Arlington Drive, Oxford, Oxfordshire OX3 0SJ

- 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 Ayesha Siddika against the decision of Oxford City Council.
 - The application ref 25/00491/CPU, dated 1 March 2025, was refused by notice dated 9 May 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 to construct a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Whether an LDC should be issued is strictly a matter of fact and law. The appellant's concerns surrounding how the Council dealt with the application and/or planning merits considerations cannot be taken into account.

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 it has been shown that 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 is firmly on the appellant to show why their appeal should succeed, the relevant test of the evidence being on the balance of probability.
5. The appeal property contains a two-storey, semi-detached dwelling. There is a small single storey lean-to structure, described by the Council as an outrigger, at the rear of the dwelling. Along with other properties in the surrounding area, the dwelling probably originated during the mid-20th Century. The proposal entails erecting a single storey rear extension to the dwelling following demolition of the outrigger.
6. The proposal would involve carrying out 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). 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 the size and locational limitations in paragraphs A.1 and A.2 and the conditions in paragraphs A.3 and A.4 being satisfied, where relevant.

7. Paragraph A.1(j)(iii) provides that development is not permitted by Class A where the enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original dwelling and would have a width greater than half that of the original dwelling. This limitation applies to any Class A enlargement, not just single storey side extensions. At Article 2(1), the GPDO defines 'original' in relation to a building as where that building existed on 1 July 1948, as existing on that date, or if built on or after 1 July 1948, as so built.
8. The Government's Technical Guidance (TG)¹ aids interpretation of the GPDO Part 1 and whilst not statute, is regarded as authoritative. The TG advises that a wall forming a side elevation of a dwelling will be any wall that cannot be identified as being a front or rear wall, with dwellings often having more than two side elevations. The accompanying diagram shows all the side walls of a dwelling as forming a side elevation, not just the main side walls. The TG further advises that where an extension would go beyond any side wall, the restrictions in paragraph A.1(j) will apply.
9. The extension would protrude beyond the side-facing walls of the outrigger, spanning the whole width of the rear elevation of the dwelling. That the outrigger would be demolished is of limited relevance. Whether the proposal is lawful falls to be assessed against the facts and circumstances as they existed on the application date.
10. There is little firm evidence to support the appellant's claim that the outrigger is not part of the original dwelling. The external appearance of the outrigger does not obviously indicate that it was erected separately. The roughcast rendered external walls, which almost exactly match the external wall materials of the dwelling in terms of their texture, colour finish and extent of weathering, suggests that both structures could have been erected around the same time. Also, there are minimal outward signs of joints where the external walls meet those of the dwelling, as might perhaps have been the case if the outrigger was erected at a later date.
11. Moreover, the Council supplied an extract from the 1964 edition of the Ordnance Survey map which shows the dwelling as having a built footprint including a protuberance at the rear, corresponding with the position and built footprint of the outrigger. This map also shows similar protuberances at the rear of most dwellings in the vicinity. The presence of what is quite possibly the outrigger along with the prevalence of similar structures suggests that outriggers were a consistent built feature at or around the time the dwellings in the surrounding area originated. This adds to the doubt over the appellant's claim, as it points to the outrigger having originated contemporaneously with erection of the dwelling.
12. Consequently, in the circumstances of this particular case and in the absence of firm evidence to indicate otherwise, I am not persuaded that the outrigger is other than part of the original dwelling. As it is entirely possible that the side-facing walls of the outrigger form side elevations of the original dwelling, the proposal would be in breach of the limitation in paragraph A.1(j)(iii).

¹ Permitted development rights for householders: Technical Guidance MHCLG 2019

13. There is no dispute that the proposal would satisfy the other limitations relevant to a single storey extension in paragraph A.1 and that the relevant condition in paragraph A.3 relating to the use of similar external materials would be satisfied, whilst paragraphs A.2 and A.4 do not apply in this instance. There is no sound reason why I should find otherwise in those respects. However, the GPDO only grants planning permission where all of the relevant limitations and conditions of Class A are satisfied.
14. Consequently, the appellant has been unable to show to the required standard that planning permission is granted for the proposal by the GPDO at Article 3, Schedule 2, Part 1, Class A, the available evidence indicating otherwise. It follows that in the absence of an express grant of planning permission the proposal would not be lawful for planning purposes.
15. It is open to the appellant to make the necessary planning application, the final decision on which would rest with the Council in the first instance.

Conclusion

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

Stephen Hawkins

INSPECTOR