

Appeal Decision

Site visit made on 2 August 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/R5510/D/22/3313468

291 Long Drive, Hillingdon, Ruislip HA4 0HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Mr Naveed Entezam against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 69941/APP/2022/2690, dated 30 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is demolition of existing utility building and 4m single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
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 Class A, 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.
5. The Council claim the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse, which would therefore exceed the limits set out in paragraph A.1(j)(iii).

Main Issue

6. The main issue relates to whether or not the proposal constitutes permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and if so, whether prior approval would be required.

Reasons

7. The appeal property is a two storey semi-detached dwelling which is set back from the road behind a driveway. At the rear of the property there is a small single storey projection which is attached to a similar projection on the neighbouring property and provides access to the rear garden.
8. Development is not permitted under Schedule 2, Part 1, Class A, Paragraph A.1(j) of the GPDO if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would: (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse.
9. The proposal would involve the erection of a single storey rear extension which would project 4 metres from the rear elevation with an eaves height of 3 metres and a maximum height of 3.1 metres. It would span the full width of the appeal property. The plans indicate that all the existing rear projection except the existing party wall with No. 293 would be demolished. The Council suggests that this rear projection is part of the original dwelling, which has not been disputed by the appellant. Following my observations on site and with no substantive evidence to contrary, I consider it to be part of the original dwelling.
10. The Government's Technical Guidance¹ indicates that a wall forming a side elevation will be any wall that cannot be identified as being a front wall or a rear wall. The staggered rear elevation of the property means that there is an inner side wall to the existing rear projection.
11. Even though most of this projection would be demolished, the proposed extension would extend beyond its original inner side wall. The limitations at paragraph A.1(j) of Class A are based on the original dwelling. Consequently, these limitations apply even if part of the original dwelling is removed.
12. Whilst the proposal would not extend beyond the rear wall of the dwelling by more than 6 metres nor exceed 4 metres in height, it would extend beyond a wall forming a side elevation of the original dwelling and it would have a width greater than half the width of the original dwelling.
13. Accordingly, for the above reasons, I conclude that the proposed development would not comply with paragraph A.1(j)(iii) and would not therefore constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Other Matters

14. I note the appellant's frustration with the Council in respect of the advice provided prior to submitting the application. However, this has had no bearing on my consideration as to whether the proposal meets the limitations and conditions of Class A.1 of Part 1, Schedule 2 to the GPDO.

Conclusion

15. For the reasons given above, the appeal is dismissed.

A Veevers INSPECTOR

¹ MHCLG Permitted development rights for householders Technical Guidance (2019)