

APPEAL STATEMENT

WRITTEN REPRESENTATIONS

Appeal against the refusal of prior approval for a large rear extension

Application Reference: 21/01935/PDXL

Address: Whiteladies Park Prince Albert Drive Ascot SL5 8AQ

**Proposal: Single storey rear extension no greater than 8m in depth, 3m high
with an eaves height of 3m.**

A: Introduction

1. The appeal relates to a proposal to add an 8m-deep rear extension to the original main house at Whiteladies Park which predates 1 July 1948. The extension is to be to the original dwelling only. There have previously been extensions to the west of the original house with the benefit of planning permission, but these elements of the house are not proposed to be extended.
2. The reason for refusal was as follows:
 1. *The proposal is not automatically granted planning permission under Article 3 and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), as the proposal fails to comply with paragraphs (g) and (j). Planning permission is therefore required for the proposed development.*

B: The Appellant's case

3. The appellant disagrees that the proposed extension does not meet the terms of paragraphs (g) and (j) which read as follows:

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(j) 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;

4. The issue hinges solely on what is the rear wall of the original dwellinghouse and the appellant's case is set out in their supporting statement submitted with the planning application.
5. The rear wall of the dwelling has a continuous eaves line and was originally built with part-colonnaded elements some of which have since been filled in. It is the appellant's contention that the rear wall of the original dwelling follows the eaves line and encompasses the remaining colonnaded area.
6. The Local Planning Authority's contention is that the original rear wall is, in fact, recessed and does not follow the line of the supporting pillars and that there is therefore an original rear wall and a side wall in a position which renders the current proposal non-compliant with the "*...more than 8 metres...*" and "*...a width greater than half the width of the original dwellinghouse.*" stipulations.
7. The appellant's supporting statement provided with the application explains their reasoning and the Inspector's attention is drawn to this.
8. The Government's Technical Guidance does not address the issue directly but wherever a dimension is shown it is taken up to the eaves of the extension. There is no mention of

whether part of that extension is recessed (e.g. a recessed porch or window). The recesses in an elevation which are behind the eaves are always taken to be part of that extension. In the same way, the extent of the original dwelling should be understood using the same principle and the recessed area would be included in the dwelling with the rear wall taken as being along the line of the supporting pillars.

9. It is hoped that, through this appeal, clarity can be brought to the interpretation of “*..the rear wall of the original dwellinghouse*”. On the basis that the inspector agrees with the appellant’s interpretation, there would be no side elevation in the position claimed by the LPA and the proposal would comply with both paragraphs that the LPA cites it as contravening.

C: Conclusion

10. On the basis that the inspector agrees with the appellant’s understanding we would respectfully ask that Prior Approval be granted for the proposed extension.

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