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# Appeal Decision

Site visit made on 29 March 2022 by G Sibley MPLAN MRTPI

## Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2022

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### Appeal Ref: APP/T0355/D/21/3283780

#### Whiteladies Park, Prince Albert Drive, Ascot SL5 8AQ

- 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 Ms Lisette Khalastchi against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 21/01935, dated 22 June 2021, was refused by notice dated 4 August 2021.
  - The development proposed is single storey rear extension no greater than 8m in depth, 3m high with eaves height of 3m.
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## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Preliminary Matters

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), paragraph A.4(3) states that the local planning authority may refuse the application where in the opinion of the authority the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

## Main Issue

5. The main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

## Reasons for the Recommendation

6. Paragraph A.1(g) of Schedule 2 Part 1, Class A permits an extension of up to 8 metres (m) from the rear wall of the dwellinghouse. The Government's guidance document 'Permitted Development Rights for Householders Technical Guidance' states that the rear wall or walls of a house will be those which are directly opposite the front of the house. It is possible for there to be more than one rear wall. Neither the GPDO nor the Technical Guidance define what is a 'wall' in this context.
7. There is no dispute that the proposed extension would be on the rear of the dwelling. The rear elevation has two gabled projections with pitched roofs that extend beyond the plane of the main roof. Either side of these projections, set back under the eaves, are colonnaded areas with pillars connected by arches. A section of the colonnaded area between the two projecting gables has been infilled with glass and what would presumably have been a solid wall behind the arches has been removed to create a larger internal space. The eaves line is consistent across the rear of the dwelling, in line with the solid walls of the two gabled projections, while the pillars and arches of the colonnades are set behind this line.
8. The rear elevations of the gabled projections are the rearmost solid walls of the dwelling and therefore can reasonably be considered rear walls. The infilled section of colonnade, which does not extend quite as far back as the gabled projections, also provides a clear delineation and means of enclosure between the internal space of the dwelling and the unenclosed space outside and can therefore be considered as a rear wall.
9. The colonnaded area extending around the eastern corner of the building has solid walls on two sides and arches and pillars on the other two sides, which have not been infilled. The pillars extend around a raised area of paving slightly higher than the adjoining patio, and this paved section is separated from the interior of the building by a solid wall containing windows and doors. The appellant contends that the 'rear wall' for the purposes of Class A, should be taken as being along the line of the supporting pillars. The Council disputes this.
10. Whilst the pillars are quite substantial, due to the large gaps between them they do not, in my view, form a means of enclosure. The floorspace underneath the overhanging roof is partially enclosed but is clearly separated from the internal rooms of the dwelling and therefore is outside space, albeit undercover.
11. Therefore, whilst the disputed colonnaded area is part of the original building and could potentially be counted as part of its Gross External Area, the nature of the pillars and arches is such that they do not form a rear wall of the dwellinghouse. Blocking up the arches may not constitute an extension of the house, as the appellant suggests, however this has not occurred in this part of the building, and I must consider the proposal based on what currently exists.
12. On this basis, the 'rear wall' of this part of the building would be the solid wall underneath the overhanging colonnade. The Technical Guidance states that measurement of an extension beyond a rear wall should be taken from the base of the rear wall of the original house to the outer edge of the wall of the extension. The accompanying diagrams show that overhanging roofs and eaves

are not included in this measurement. The extension would extend 8m from the pillars, therefore it would be more than 8m in depth from the rear wall behind. As a result, the proposal would not comply with A.1(g) of the GPDO.

13. Furthermore, where an extension would be beyond any side wall, the restrictions in A.1 (j) will apply. The proposed extension would extend beyond the side wall of the gabled projection, which is partly within the colonnaded area but also extends beyond the pillars. The proposal would be more than half the width of the original dwellinghouse and therefore would not comply with that criterion.
14. Even if I had found that the pillars were the rear wall of the house, as the appellant contends, the pillars are set back a short distance from the rear wall of the gabled projection. This leaves short stretches of wall inbetween, which cannot be identified as being a front wall or a rear wall and are therefore side walls, which the extension would extend beyond. Therefore, even if I had found otherwise in respect of the question of the rear wall, the proposal would not comply with A.1(j).
15. Therefore, the proposal would not comply with the limitations set out in Schedule 2, Part 1 Class A paragraphs A.1 (g) or (j).

### **Conclusion and Recommendation**

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*G Sibley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

*L McKay*

INSPECTOR