

Appeal Decision

Site visit made on 24 January 2017

by **P N Jarratt BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 January 2017

Appeal Ref: APP/T5150/X/16/3157225

25 Ledway Drive, Wembley, Middlesex, HA9 9TH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr B Czopek against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1626, dated 19 April 2016, was refused by notice dated 21 June 2016.
 - 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 for a proposed hip to gable extension, rear dormer window and 3 front roof lights.
 - **Summary of Decision:** Appeal dismissed
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Main issue

1. I consider that the main issue is whether the Council's decision to refuse to grant a lawful development certificate was well-founded.

Reasons

2. The appeal property is a small hipped-roof bungalow situated in a residential area.
 3. The appellant has calculated the total increase in the volume of the roof space resulting from the proposed development would be 45.13 cu.m, comprising a dormer with a volume of 23.20 cu.m and two hip to gable extensions totalling 23.20 cu.m.
 4. The Council accepts the accuracy of the dormer calculation but considers that the hip to gable volumes have been underestimated and should amount to 37.8 cu.m. This would give a total volume of 61 cu.m which exceeds the limitation of 50 cu.m for such extensions to a roof space as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 at B.1(d)(ii).
 5. The Council considers that the appellant's figure for the depth of the hip to gable roof extension of 8.1m does not reflect the deepest element of the roof extension, which the Council estimates to be 9m. Additionally, the appellant has assumed that the top of the hip to gable extension reaches an apex, whereas the submitted drawings show this to be flat on top. It appears from the Council's own calculation that the width of the flat roof element is
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estimated at 1.65m. From my own observation of the drawings this figure appears to over-estimate the width of the flat element of the roof.

Notwithstanding this possible over-estimate, I am satisfied that the total increase in the volume of the roof space would exceed 50 cu.m. Consequently it would not meet the requirements for permitted development in the GPDO and planning permission would be required.

6. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a proposed hip to gable extension, rear dormer window and 3 front roof lights was 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.

Formal decision

7. The appeal is dismissed.

P N Jarratt

INSPECTOR