

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: 1 February 2017

Appeal Ref: APP/A5270/X/16/3156059

2 Cleveley Crescent, London, W5 1EA

- 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 Eddy Eng against the decision of the Council of the London Borough of Ealing.
 - The application Ref 162152CPL, dated 11 May 2016, was refused by notice dated 7 July 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 the alteration of roof from hip to gable end; rear roof extension (involving conversion of roof space to habitable use) and installation of three roof lights to front roof slope.
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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 two storey dwelling situated on a street corner in a residential area.
 3. The Council did not issue an LDC as they considered that the proposed development fell outside the scope of the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as, in the case of the rear roof extension, the edge of the enlargement closest to the eaves of the original roof was not less than 0.2 metres from the eaves.
 4. The hip to gable extension proposed for the northern roof slope would extend the roof line by about 3.5m with a vertical height of 2.3m for the full depth of the building. This is estimated to be about 10 cu m. The rear roof extension would create a rear mansard roof of about 2.3m high, 3.6m deep and 5.6m long and have a volume of about 23 cu m. The total increase in roof volume would be about 33 cu m, the roof would not exceed the highest part of the existing roof and it would be constructed of materials similar in appearance to the exterior of the existing dwelling.
 5. Although not clear from the appellant's drawing number GA.1.06 that the rear roof extension would be set back by 0.2m, it is clear from drawing number
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GA.1.06 that the setback would be not less than 0.2 m from the eaves as required under Condition B.2 (b) (bb) of the GPDO.

6. The 3 proposed roof lights on the front elevation would be within the limitations of Class 3 of the GPDO.
7. The proposed development satisfies the limitations and conditions of the GPDO and the appeal succeeds.

Conclusion

8. For the reasons given above I conclude, on the evidence now available, that the Council's refusal was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Formal decision

9. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

P N Jarratt

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 11 May 2016, the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed development falls within the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Signed

P N Jarratt

Inspector

Date **1 February 2017**

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First Schedule

The alteration of roof from hip to gable end; rear roof extension (involving conversion of roof space to habitable use) and installation of three roof lights to front roof slope.

Second Schedule

Land at 2 Cleveley Crescent, London, W5 1EA

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: **1 February 2017**

by **P N Jarratt BA(Hons) DipTP MRTPI**

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Scale: Do not scale

