

Appeal Decision

Site visit made on 28 March 2017

by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)

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

Decision date: 06 April 2017

Appeal Ref: APP/F5540/X/16/3159555

57 Great South West Road, Hounslow, TW4 7NH

- The appeal is made under Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the 1990 Act") against a refusal to grant a Certificate of Lawful Use or Development (LDC).
 - The appeal is made by Dr Raj Bhatnagar ("the Appellant") against the decision of the Council of the London Borough of Hounslow ("the Council").
 - The application Ref 00504/57/LAW1, dated 7 July 2016, was refused by notice dated 5 September 2016.
 - The application was made under Section 192(1)(b) of the 1990 Act.
 - The development for which a LDC is sought is:
 - a) Rear and side dormer.
 - b) Insertion of three roof-lights in front elevation.
 - c) Alteration to soil and vent pipe at side.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development has now been carried out.

Reasons

3. The development comprises additions and alterations to the roof of No. 57 to accommodate habitable accommodation within the former roof-space. The accommodation includes a bedroom with an en-suite shower room. So as to provide this accommodation the roof has been extended and altered to the rear, side and front including an "L" shaped dormer.
4. Prior to the development being carried out No. 57 was one of the pair of semi-detached properties. The prominent features of this pair of dwellings are the two-storey bay windows and the hipped roofs over the main house and bay windows.
5. The principal elevation of No. 57 includes:
 - a) Its front elevation (which includes the bay window, the porch and the front door.
 - b) The roof over the bay window and the remainder of that part of the roof that faces Great South West Road.
6. The Appellant is of the view that the additions and alterations made to the roof of No. 57 so as to accommodate the new accommodation within the former roof-space are permitted development as provided for by the Town and

Country Planning (General Permitted Development) (England) Order 2015 ("the Order").

7. I do not agree with that assessment. Class B.1(c) of Part A of the Order states that development comprising the enlargement of a dwelling-house consisting of an addition or alteration to its roof is not permitted where any part of the dwelling-house would, as a result of the works, extend beyond the plane of the existing roof which forms the principal elevation of the dwelling-house and fronts a highway. Part of the dormer which runs parallel to the side elevation at No. 57 is built in front of the plane of the existing roof and as explained above this is the principal elevation of No. 57 and it fronts a highway, namely Great South West Road.
8. The Appellant considers that the part of the dormer which is adjacent to the side elevation of No. 57 was erected in an elevation of the building which did not form part of No. 57's principal elevation. Whilst that is correct it is not the test laid down in Class B.1(c) of the Order to decide whether the proposed development is permitted development. I have explained what the correct test is in paragraph 7 above and proposal clearly fails the relevant test set out in Class B.1(c) of the Order.
9. For the reasons given above I conclude that the Council's refusal to grant a LDC in respect of development indicated on Drawing No. GSWR-01 Rev. B 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 and dismiss the appeal.

Tim Belcher

Inspector