The Planning Inspectorate

Appeal Decision

Site visit made on 9 August 2017

by Andrew R Hammond MSc MA CEng MIET MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/Z3635/X/17/3168974
10 Gloucester Crescent, Staines-upon-Thames TW18 1PS

- 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 & Mrs G Best against the decision of Spelthorne Borough Council.
- The application Ref 16/01741/CPD, dated 18 October 2016, was refused by notice dated 11 January 2017.
- 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 a proposed hip to gable and rear dormer loft conversion.

Decision

1. The appeal is dismissed.

Reasons

2. The appeal premises are a mid-terrace property with a higher roof ridge than the adjacent end-terrace dwelling (No. 12) with a hipped roof slope between the two and a front gable arrangement to No. 10. The appeal proposal consists of an extension to the roof form to provide a gable ended roof on the boundary with the end property and a flat roof dormer to the rear.

3. Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits certain development within the curtilage of a dwellinghouse; with Class B thereof relating to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to limitations including that the cubic content of the resulting roof space should not exceed the cubic content of the original roof space by more than 40 cubic metres in the case of a terraced house.

4. On the application drawing the appellant calculates the increase of cubic content to be 36.8 m^3. However there are clear discrepancies within the drawings as to existing ridge heights. The existing ridge of No. 12, which extends over part of No.10, is shown to be higher than the ridge of the front gable roof section to No.10. That is not the case and the ridge over No. 12 is noticeably lower, as shown on the front and rear existing elevations. Consequently the increase in volume resulting from the hip to gable extension may have been miscalculated at $18.2m^3$ and the total additional volume, including the large rear dormer, could exceed $40m^3$.

5. Nevertheless, whether or not the volume calculation is incorrect, the application drawings clearly show the proposed roof structure extending over the boundary with No. 12. The appellant correctly argues that roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension. However, the new gable end is not an external wall of the original dwellinghouse, despite it being a vertical extension to the existing party wall.

6. In addition, even if the detail extending over No. 12 were not part of *the enlargement* it would still be part of the roof. The appellant is incorrect in stating that the GPDO does not specify that the works must fall within the curtilage. Schedule 2 Part 1 specifically permits certain works <u>within the curtilage</u> of a dwellinghouse. The proposed works extend beyond the curtilage, even if only to a relatively small extent.

7. The proposed development is not, therefore, permitted by Schedule 2 Part 1 Class B of the GPDO.

8. 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 and rear dormer loft conversion at 10 Gloucester Crescent, Staines-upon-Thames TW18 1PS 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.

Andrew Hammond

Inspector