



Appeal Decision

Site visit made on 14 May 2019

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 28 June 2019

Appeal Ref: APP/Q3630/X/19/3220537

7 Chandos Road, Staines-upon-Thames, TW18 3AT.

- 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 Paul Schuler against the decision of Runnymede Borough Council.
 - The application Ref. RU. 18/1384, dated 4 September 2018, was refused by notice dated 31 October 2018.
 - 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: Loft conversion incorporating a rear dormer with a further dormer on the outrigger. Two roof windows to the front elevation.
-

Decision

1. The appeal is dismissed.

Reasons

2. The appeal property is a 2-storey semi-detached dwelling with a rear projection or outrigger. This layout is typical of Victorian and Edwardian semi-detached houses and the affected parts of the property appear to be original. Both the main and outrigger roofs are pitched, the outrigger roof being at a lower level with the eaves meeting the rear-facing wall of the main part of the dwelling about 0.6m below the main roof eaves.
3. The application sought confirmation that the works, commonly referred to as an L-shaped dormer, were development permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), specifically Class B, of Part 1 of Schedule 2 of the GPDO. Under that Class, "*The enlargement of a dwellinghouse consisting of an addition or alteration to its roof*" is permitted subject to the limitations and conditions set out at paragraphs B.1 to B.3. Paragraph B.2(b)(ii) of Class B states:

(b) the enlargement shall be constructed so that –

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.
4. In this case the enlargement of the rear outrigger would extend beyond a portion of the existing rear-facing wall of the main part of the original dwellinghouse. Hence it could only comply with GPDO paragraph B.2(b)(ii) if the development proposed is one that joins the original roof to the roof of a

- rear or side extension. Since the outrigger is part of the original house and not therefore a rear or side extension, if the works proposed are considered solely as an enlargement consisting of an addition or alteration to the roof of the dwellinghouse it does not comply with Paragraph B.2(b)(ii) of Class B and would not therefore be development permitted by the GDPO and would accordingly require express planning permission.
5. The alternative approach, which I consider to be the more correct in the circumstances, as a matter of fact and degree, is to treat the enlargement of the outrigger as falling under Class A of Part 1, that is the enlargement, improvement or other alteration of a dwellinghouse. The works to the outrigger, which would project some 1.5m above the existing shared rear ridge-line, would amount, in effect, to the erection of an additional storey of accommodation above the existing outrigger. In my view, this goes well beyond enlargement by addition or alteration of a roof.
 6. The structure as proposed would fail to meet the Class A.1(i) requirement that "the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres". Hence it would not be permitted by Class A of Part 1 of Schedule 2 of the GPDO.
 7. A single extension or alteration can fall within more than one Class but in order to be permitted development it must meet all the limitations and conditions under each Class relevant to the proposal. Any proposed household development must be considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights. In this case the development above the outrigger is an integral part of the proposal, and whether it is considered under Class A or Class B it does not comply with the relevant requirements and therefore is not permitted by the GPDO.
 8. I have noted the appellant's reference to L-shaped dormers in the Government's Technical Guidance, but while that may envisage circumstances where an L-shaped dormer will meet the relevant Class requirements, the proposal in this case does not. It follows that the Council's decision to refuse the application was well-founded. I shall exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Paul Dignan

INSPECTOR