



Appeal Decision

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/Q5300/X/19/3222339
41 Meadway, Enfield EN3 6NT

- 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 and Mrs Devrim Tanguil against the decision of the Council of the London Borough of Enfield.
- The application Ref 18/02333/CEA, dated 12 June 2018, was refused by notice dated 15 August 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 a hip to gable roof, loft conversion with formation of a dormer to the rear elevation and formation of a small dormer window to the front elevation.

Summary of Decision: The appeal is dismissed.

Preliminary Matter

1. With the agreement of both main parties I concluded that a site visit was unnecessary, as having regard to the submitted plans it would not add to my understanding of the proposal.

Main Issue

2. The main issue in this appeal is whether it has been shown that the proposal would be granted planning permission by Article 3, Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

3. The onus is on the appellant to show that an LDC should be granted for the proposal, the relevant test of the evidence being on the balance of probability.
4. The appeal site contains a single storey semi-detached dwelling with a hipped roof. The proposal involves enlarging the roof to create a gable, together with front and rear dormers.
5. The GPDO Article 3, Schedule 2, Part 1 Class B grants planning permission for enlarging the roof of a dwelling, subject to certain limitations. These include paragraph B.1 (c), which does not permit a roof enlargement where it would extend beyond the plane of an existing roof slope which forms the principal elevation of the dwelling and fronts a highway.

6. The main architectural features of the dwelling are its large projecting gable and the bay windows. These features are in the elevation fronting the street. Therefore, it is not unreasonable to conclude that this is the front elevation of the dwelling. Having regard to the Government's Technical Guidance¹, the front is clearly the principal elevation of the dwelling and the street is a highway for the purposes of the GPDO.
7. The Technical Guidance advises that where, as in this case, the dwelling frontage is L-shaped, all front roof slopes form the principal elevation and the line for determining what 'extends beyond the plane of any existing roof slope' will follow these slopes. The proposed front dormer would be in the existing roof slope forming the principal elevation. The volume of the front dormer would project forward of the sloping line of the existing roof plane. Therefore, the front dormer would extend beyond the plane of the existing roof slope. This would be in breach of Class B paragraph B.1 (c).
8. Additionally, the condition at Class B paragraph B.2 (b) is applicable to a roof enlargement consisting of a dormer. This condition requires that the original roof eaves should be maintained or reinstated and that the edge of the enlargement closest to the original eaves is, so far as practicable, not less than 0.2 metres from the eaves. The proposed rear dormer would project beyond the original eaves line. Therefore, the rear dormer would be less than 0.2 metres from the eaves of the original roof, in breach of the condition at Class B paragraph B.2 (b).
9. The Council accepted that the proposal would not breach any other limitations and conditions in Class B. I found no reason to conclude otherwise. Nevertheless, for the above reasons on the balance of probability the proposal would not be granted planning permission by the GPDO, Article 3, Schedule 2, Part 1, Class B.
10. I acknowledge the appellants' requirement for additional living and bedroom space and that other dwellings in the vicinity have been enlarged. However, whether an LDC should be granted only concerns matters of fact and law.

Conclusion

11. 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 hip to gable roof, loft conversion with formation of a dormer to the rear elevation and formation of a small dormer window to the front elevation 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

12. The appeal is dismissed.

Stephen Hawkins

INSPECTOR

¹ Permitted development rights for householders-Technical Guidance MHCLG September 2019.