

Appeal Decision

Site visit made on 26 November 2019

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 6th December 2019

Appeal Ref: APP/W5780/X/19/3222622

315 New North Road, Hainault, Ilford IG6 3DS

- The appeal is made by Guoquan Wu under section 195 of the Town and Country Planning Act 1990 against a refusal by the Council of the London Borough of Redbridge to grant a lawful development certificate.
 - The application Ref: 4416/18, dated 23 October 2018, was refused by notice dated 24 December 2018.
 - The application was made under section 192(1)(b).
 - The development for which the certificate is sought is "Loft conversion incorporating hip-to-gable and rear dormer with 2 no. roof-lights at the front and 2 no. side windows".
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Decision

1. The appeal is dismissed.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on whether or not the operations would be lawful if begun at the time of the application for the certificate. The planning merits of the operations are not relevant to the appeal and there is no planning application before me.
 3. The Council refused the application because they considered the operations would not be permitted by Class B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. Class B permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to the limitations set out in B.1 and the conditions contained in B.2. In the Council's opinion limitation B.1(d) would not be met. The officer's report confirms that the other limitations and conditions in Classes B and C would be complied with.
 4. B.1(d) states that development is not permitted if "the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than" 50m³ in the case of this house. The Council consider that the additional cubic content calculated in accordance with B.1(d) would be 62.0435m³. The appellant calculates the additional cubic content to be 46.8m³ (rounded down).
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5. Both parties have divided the operations into three parts in order to make their calculations. These are: -
- (i) The hip-to-gable part, which they agree is 17.49m^3 (rounded down).
 - (ii) The part of the dormer that would be over the main rear roof, which they agree is 23.92m^3 .
 - (iii) The part of the dormer that would be over the rear roof extension. This would displace most of the rear roof extension, which has a pitched roof with a hip. After making an allowance for the displaced cubic content, the appellant calculates the cubic content of this part to be 5.57m^3 and the Council calculate it to be 20.625m^3 .
6. Part (iii) is a cuboid and the parties agree that its dimensions would be 5m (length) x 2.3m (height) x 3m (depth). Its cubic content would therefore be 34.5m^3 . The appellant has divided this cubic content by six to arrive at 5.57m^3 (*this should be 5.75m^3*), whereas the Council have calculated the cubic content of the displaced roof to be 13.875m^3 and have deducted this cubic content from 34.5m^3 to arrive at 20.625m^3 .
7. The appellant has not explained why dividing by six is the correct method, except by reference to an application approved elsewhere, and the Council have not set out the workings that support their calculation. However, I do not need any further details in order to reach a conclusion, since the application drawings clearly show that the cubic content of the cuboid would exceed the cubic content of the displaced roof by considerably more than the cubic content of 8.59m^3 that would be permitted after the cubic contents of parts (i) and (ii) had been deducted from 50m^3 .
8. Consequently, I have concluded that the operations would not be lawful if begun at the time of the application for the certificate. I am satisfied that the Council's refusal of the application is well-founded and the appeal has therefore been dismissed.

D.A.Hainsworth

INSPECTOR