



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: 12th December 2019

Appeal Ref: APP/W5780/X/19/3224971

50 St Johns Road, Newbury Park, Ilford IG2 7BD

- The appeal is made by Shafiq Sultan 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: 5079/18, dated 17 December 2018, was refused by notice dated 11 February 2019.
 - The application was made under section 192(1)(b).
 - The development for which the certificate is sought is a loft conversion with a hip-to-gable roof extension and rear dormer.
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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 indicates that the other limitations and conditions in Classes B and C would all be complied with if matching materials were used in the exterior work. [Their use is in fact confirmed in the application.]
 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. After some uncertainty at the application stage, the Council have set out revised calculations in their appeal statement showing that they assess the additional cubic content calculated in accordance with B.1(d) to be 60.825m³. The appellant calculates the additional cubic content to be 43.26m³.
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5. The large difference in the calculations arises from the fact that the Council have taken into account the roof space that was added to the original house when the two-storey side extension authorised by planning permission No. 1111/05 was built. Based on previous applications approved elsewhere, the appellant has not taken this into account in his calculations.
6. The Council's method is correct because B.3 states that the reference in B.1(d) to "resulting roof space" means "the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not". Any previous enlargement of the original roof space in any part of the house must therefore be included when the limit of 50m³ is calculated.
7. The appellant states that he does not agree with the calculations in the Council's statement, for the reason that they are different from the calculations previously prepared by Council officers. None of the previous calculations I have seen used an incorrect method or produced a lower cubic content than 60.825m³, and the appellant has not given any further information explaining why he considers the latest calculation to be incorrect. I have no reason to doubt its accuracy, and it is evident from the size of the current proposals and the size of the previous enlargement of the roof space that the "resulting roof space" for the purposes of B.1(d) must be well in excess of 50m³.
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