



Appeal Decision

by Elizabeth Jones BSc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/G5750/X/19/3236833

47 Stock Street, Plaistow, London E13 0BX

- 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 in part to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Daniel Burgess against the decision of the Council of the London Borough of Newham.
 - The application Ref.19/01654/CLP dated 6 June 2019 was refused by notice dated 19 July 2019.
 - 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 roof extension: Class B development.
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Decision

1. The appeal is dismissed.

Reasons

2. The appellant contends that the proposed dormer roof extension would be granted planning permission under Article 3 and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which provides that the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development. However, the Council considers because the works involve extending the party parapet walls, which do not form part of the roof, the proposed development does not fall to be considered under Class B but should be considered under Class A of the GPDO which permits the enlargement of a dwellinghouse.
3. The Council draws attention to two appeal decisions¹ in which the previous Inspectors consider that party firewalls are an integral part of the main structure of a dwelling and not part of its roof. Therefore, an increase in their height goes beyond what could be considered as a roof addition. Whilst each appeal should in the first instance be considered on the basis of its individual merits, I have no reason to disagree with the other Inspectors' reasoning.
4. In this particular case, the proposed development would involve raising the brickwork of the parapet walls. In line with the above, although the height of

¹ APP/G5750/C/16/3159965 & APP/G5750/X/09/2100436.

the party parapet walls would remain below the existing ridge height, the proposed development in this appeal is not permitted development under Class B of the GPDO.

5. Development is permitted by Class A subject to conditions.

Condition A.1 states: -

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.
 - (i) 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.
6. The appellant has made no submissions regarding Class A of the GPDO. Having regard to the submitted plans it would appear that the height of the eaves would exceed the height of the eaves of the original dwellinghouse and the enlarged part of the house would be within 2 metres of the boundary curtilage of the dwellinghouse and the height of the eaves of the enlarged dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres when measured from ground level. Thus, the proposed development would not be permitted development by virtue of Class A of the GPDO.

Conclusion

7. 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 roof extension 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.

Elizabeth Jones

INSPECTOR