
Appeal Decision

by Elizabeth Jones Bsc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 April 2020

Appeal Ref: APP/M5450/X/19/3236402
252 Charlton Road, Harrow, HA3 9HJ

- 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 Chatan Sanghavi against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1559/19, dated 29 March 2019, was refused by notice dated 1 April 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 a hip to gable roof extension/loft conversion to include 3x front roof lights, window and Juliette balcony. An erection of an outbuilding to include 2x single doors and 2x windows.
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal property comprises an end of terrace two storey property sited on the north-eastern side of Charlton Road.
3. The LDC application subject to this appeal sought to establish whether or not a hip to gable roof extension/loft conversion to include 3x rooflights, window and Juliette balcony and a proposed outbuilding, were lawful for planning purposes.
4. The Council's formal reason for refusing the LDC application refers only to the single storey outbuilding. The actual wording of the reason for refusal states:

"It has not been demonstrated that the use of the single storey outbuilding as an office would be incidental to the dwellinghouse on site. The proposal would therefore NOT be within the tolerances of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)".
5. In view of the above, I shall focus my consideration accordingly. In LDC cases the burden of proof rests with the appellant and the appropriate test of the evidence is the balance of probabilities.

6. Whilst the appellant submits that the building will be used as an *office*, no further information/details have been provided. No evidence has been submitted to indicate the level or nature of that office use. As a result, I cannot be satisfied that the proposed outbuilding is reasonably required for purposes incidental to the enjoyment of the dwellinghouse as such.
7. Consequently, on the evidence available to me and having regard to all other matters raised, I find that, as a matter of fact and degree, it has not been shown that on the balance of probabilities the proposed outbuilding would be permitted development falling within Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). There is nothing else to show that the proposed outbuilding would be lawful.
8. For the reasons given above I conclude that the Council's refusal to grant an LDC for the development proposed as a whole was well-founded. Thus, 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