



Appeal Decision

Site visit made on 10 March 2020

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 27 May 2020

Appeal Ref: APP/Q3820/X/19/3227115

28 Shaftesbury Road, Maidenbower, Crawley RH10 7HD

- 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 Mrs Gnei Azoor against the decision of Crawley Borough Council.
 - The application Ref CR/2018/0656/191, dated 3 October 2018, was refused by notice dated 24 January 2019.
 - The application was made under section 191(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 described as '*Loft conversion with rear dormer and two roof lights to the front roof slope*'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. A LDC for a proposed rear dormer roof extension was issued in 2017. Following a complaint received by the Council, after the works commenced, an assessment was made that the development had been built contrary to Schedule 2 Part 1, Class B, B.2(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) which requires, in essence, that the external materials used should match those of the host dwelling.
3. The appellant then submitted a second LDC application, relating to existing development, which was in respect of the dormer, as built. The Council, in its consideration that the tiles used to clad the dormer did not match the tiles to the main roof, determined to refuse the application. The decision is the subject of this appeal.
4. The main issue is therefore whether the Council's decision to refuse the LDC was well founded.

Reasons

5. Article 3, Schedule 2, Part 1, Class B of the GPDO grants planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to conditions and limitations. In particular, B.2(a) says that the materials used in any exterior work must be of a *similar* appearance to those used in the construction of the exterior of the existing dwellinghouse.

6. The Technical Guidance accompaniment to the GPDO, which advises as to how to apply the restrictions and limitations on permitted development, takes a subtly different approach in the above regard. Explaining that the purpose of this condition is so that any roof addition results in an appearance that minimises visual impact and is sympathetic to the existing house, it says that the materials used *should* be of similar visual appearance to those of the existing house. It also goes on to say that this does not mean that they need to be the same materials or match exactly but be of a similar colour and design to that used in the main roof when viewed from ground level. This, though, is guidance, rather than law.
7. Both main parties, in support of their respective cases, cite other appeal previous appeal decisions, and the appellant has also supplied photographs of 'dormer loft conversions in the Maidenbower Housing Estate.' I have had regard to all such material supplied, and the various Inspectors' comments made but, given that LDC related appeals are concerned with legislation and evidential fact rather than individual planning merits or impacts, each decision involves weighing the particular circumstances against the legislation and the guidance thereto. Accordingly, parallels are not easily drawn and the necessary fact and degree judgements differ from case to case.
8. In this particular instance, at my site visit, I viewed the dormer extension from both the property's rear garden and also from a vantage point on the public highway beyond the rear fence. The tiles cladding the dormer are different in both size, profile and colour than those covering the main roof. From my observations, whilst I am satisfied that, over time, the respective colours will weather and contrast less, the visual appearance in the type of tiles used is stark.
9. The GPDO Technical Guidance would tend to provide a reasonable degree of latitude in this regard and, were the point of contention be limited only to colour, my assessment would have been more finely balanced. However, in the circumstances, I find that the tiles' respective designs cannot be considered to be of similar visual appearance and go beyond what could be loosely termed as matching.
10. I note that the appellant has also commented that the issue of matching materials was not raised by the Council at the outset. However, procedural matters cannot influence my decision and any consideration of such would go beyond my remit. Indeed, my findings are merely an assessment as to the lawfulness, based on a judgement on the similarity, or otherwise, of both sets of tiles. This has no bearing on whether the development could be considered acceptable in planning terms, which will likely be a matter for future dialogue between the appellant and the Council.

Conclusion

11. For the reasons given above, and having had regard to all matters raised, I conclude, on the evidence before me, that the Council's refusal to grant a LDC in respect of the dormer extension was well founded. Accordingly, I will exercise my powers under section 195(3) of the Act.

Timothy C King

INSPECTOR