



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Appeal Ref: APP/E5330/X/21/3282799

25 Crookston Road, Eltham, London SE9 1YH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Kay against the decision of Royal Borough of Greenwich.
 - The application ref 21/1463/CP, dated 21 April 2021, was refused by notice dated 14 June 2021.
 - 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 loft conversion incorporating roof windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision was well founded.

Reasons

3. Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) grants planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to conditions and limitations. Condition B.2(a) requires 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. The LDC application was refused by the Council only on the basis that the overall size and shape of the window proposed to be installed along the rear wall of the rear dormer roof extension would not be similar in design to the windows used in the construction of the exterior of the original dwelling.
4. The Permitted Development Rights for Householders – Technical guidance 2019 explains the rules on permitted development for householders, what these mean and how they should be applied in particular sets of circumstances. Related to Condition B.2(a) it states that "Window Frames should also be similar to those in the existing house in terms of their colour and **overall shape**" (my emphasis).
5. The large oblong door/window shown to be installed in the rear wall of the dormer would not be similar to the vertical orientation and traditional shape of the windows in the floor below on rear elevation of the existing house. It would also not be similar to the proportions and shape of the larger ground floor patio doors on this elevation. Consequently, condition B.2(a) would not be complied with. As such, the proposed dormer would not have planning permission granted by the GPDO and it could not therefore be lawful.

6. Whilst most planning decisions require an element of subjective judgement, I have made an objective assessment based on comparing the shape of the proposed window with the existing windows. The judgement is also based on the circumstances pertaining to the dwelling concerned. Therefore, the variety of window sizes and openings in other dormers in the local area is not a relevant consideration.

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 loft conversion incorporating roof windows 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.

Gareth Symons

INSPECTOR