The Planning Inspectorate

Appeal Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 23 June 2022

Appeal Ref: APP/C5690/X/21/3287078
54 Coniston Road, Bromley BR1 4JQ

- 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 Lee Morrison against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/21/122660, dated 13 July 2021, was refused by notice dated 27 September 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 with hip to gables and a rear dormer.

Decision

1. The appeal is dismissed.

Procedural Matter

2. It was not necessary for me to conduct a site visit to determine the appeal.

Main Issue

3. The main issue in this appeal is whether or not the Council's refusal of the LDC application was well founded.

Reasons

4. Article 3(1) and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides general planning permission for the enlargement of a house consisting of an addition or alteration to its roof, subject to limits and conditions.

5. One of the limits (B.1(c)) is that development is not permitted by Class B if any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope that forms the 'principal elevation' of the dwellinghouse and fronts a highway.

6. The 'principal elevation' can include more than one roof slope facing in the same direction. For example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such roof slopes will form the principal elevation and the line for determining what constitutes 'extends beyond the plane of any existing roof slope' will follow these slopes[1].

[1] *Permitted development rights for householders, Technical Guidance*; September 2019; Ministry of Housing, Communities and Local Government

7. In the case of the appeal property, the principal elevation is that fronting Coniston Road and includes the roof slopes facing in that direction - including the front-facing roof slope of the 2-storey projection on the side of the property adjacent to 56 Coniston Road. The proposed enlargement of the house would extend beyond the plane of that roof slope (for ease of reference, the plans show that the acquired space below would be used for part of the landing and shower/WC room within the loft space).

8. Therefore, limit B.1(c) applies in respect of the proposal which would not benefit from permitted development rights.

Conclusion

9. 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 with hip to gables and a rear dormer 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.

Andrew Walker

INSPECTOR