



Appeal Decision

Site visit made on 8 August 2022

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/G3110/X/22/3296146

105 Gipsy Lane, OXFORD, OX3 7PU

- 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 Ms Claire Refahi against the decision of Oxford City Council.
 - The application ref 21/02137/CPU, dated 30 July 2021, was refused by notice dated 27 January 2022.
 - 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 [LDC] is sought is a loft extension with dormer at the rear of the house.
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Procedural Matters

1. The loft extension has not commenced.

Decision

2. The appeal is dismissed.

Reasons

3. The appellant seeks the LDC on the basis that the loft/dormer extension would be lawful because it is considered to be permitted development. This is set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, Part 1, Schedule 2, [GDPO].
4. GDPO Class B permits additions etc. to the roof. B1(c) notes development is not permitted if any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts the highway. B1(d) also notes development is not permitted if the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 40m³ in the case of a terraced house.
5. The GDPO defines that in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house. It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. In this case the front of the house is clearly the elevation facing towards Gypsy Lane and where the front door is located.
6. Permitted development rights for householders: technical guidance notes that the principal elevation could include more than one wall 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 walls will form the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls.

7. This is such a case. The principal elevation steps back where the front door is located and includes the front wall and front roof elevation of the stepped back part.
8. The proposed extension to the roof to form the new gable clearly comes well in front of the set back roof slope which is part of the principal elevation and therefore it is not permitted development.
9. There is also an argument that the volume increase is greater than 40m³. The architect thinks the Council may have included part of the original roof volume of the lower roof in its calculation of the volume increase. That may or may not be the case, but will make no difference as it is not permitted development because it is in front of the principal elevation.
10. I also note the appellant's assertions with reference to other extensions in the area. However, this is not a planning application where other factors are taken into account it is simply a matter of whether the proposal complies with the permitted development limits or not.

Conclusion

11. 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 extension with dormer at the rear of the house 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.
- 12.

Graham Dudley

INSPECTOR

