



Appeal Decision

Site visit made on 20 September 2022

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/M5450/X/22/3290611

10 Holmdene Avenue, Harrow HA2 6HR

- 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 Mrs Ranjit Sahota against the decision of the Council of the London Borough of Harrow.
 - The application ref P/0847/21, dated 26 February 2021, was refused by notice dated 27 April 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 proposed loft conversion, rear/side dormer and roof light to front sloping roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant suggests that the loft conversion, rear/side dormer and roof light to front sloping roof are proposed to be constructed in accordance with the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), known as 'permitted development'. However, the Council refused the application as they allege that the proposed development extends beyond a plane of the existing roof slope that forms the principal elevation of the dwellinghouse such that it conflicts with Class B.1(c), Part 1, Schedule 2 of the GPDO.
3. There is no dispute that the roof extension complies with the requirements of Classes B and C, Part 1, Schedule 2 of the GPDO other than the limitation at Class B.1(c). I see no reason to disagree. The main issue is whether the Council's decision was well-founded taking account of any changes to the roof slope above the principal elevation.

Reasons

4. Class B.1(c), Part 1, Schedule 2 of the GPDO states that 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 a highway.
5. 10 Holmdene Avenue is on the junction of Holmdene Avenue and Greenfield Way with elevations fronting both roads. The front door of the dwelling faces Holmdene Avenue but is on a single storey extension, set a short distance back and on the side of the dwelling closest to Greenfield Way. There is a two storey

bay window facing Holmdene Avenue and parking on the garden between the building and Holmdene Avenue. The appearance of that elevation reflects the appearance of other front elevations of dwellings along that road, is in line with them and in close proximity to the nearest neighbour.

6. The elevation of the dwelling facing Greenfield Way is close to the road. The rear garden extends alongside Greenfield Way from what appears to be the rear elevation containing patio doors to the music room and kitchen. The only ground floor window facing Greenfield Way is a small hall window with bedroom and bathroom windows on the upper floor.
7. There is a stair well projection with decorative window fronting Greenfield Way. At ground floor, this is surrounded by the single storey extension that also includes the front door.
8. The principal elevation is not defined in the GPDO. However, as set out in Technical Guidance, in most cases the principal elevation will be that which fronts the main highway referred to in the address of the property, contain the main architectural features and be what is generally considered the front of the house.
9. Taking all the above factors into account, I consider that the front of the house and, in this case, the principal elevation for the purposes of the GPDO faces Holmdene Avenue.
10. The bulk of the extension is toward the corner furthest from Holmdene Avenue and Greenfield Way. However, part of the extension would be above the stairwell projection to the side of the property. The elevation of that projection facing toward Holmdene Avenue is a forward facing wall of the property, albeit set back from the front door in the single storey side extension and the remainder of the front elevation.
11. My attention has been drawn to another appeal decision, reference APP/M5450/X/17/317521. That related to an extension above a side projection with a wall that also faced in the same direction as the principal elevation. The proposal was described as a hip to gable enlargement. That Inspector indicated that not all and every forward facing wall is necessarily part of the principal elevation. It is possible for forward facing walls to be other than part of the principal elevation.
12. There are two reasons why I consider that this case differs from the Inspectors conclusions on that case. Firstly, the forward facing wall in this case is slightly wider than in the other case. Secondly, the position on the junction means that the projection in this case is relatively prominent in the street scene. Those two reasons combined lead me to conclude that, on balance, the front wall of the projection does comprise part of the principal elevation in this case.
13. For these reasons, I conclude that the roof extension would not comply with Class B.1(c), Part 1, Schedule 2 of the GPDO. As such, it would not comprise permitted development and the Council's decision was, therefore, well-founded.

Conclusion

14. 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 proposed loft conversion, rear/side dormer and roof light to front sloping roof 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.

AJ Steen

INSPECTOR