



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/21/3288366

31 Meadow Road, Pinner HA5 1EB

- 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 R Bhat against the decision of the Council of the London Borough of Harrow.
 - The application ref P/1318/21, dated 29 March 2021, was refused by notice dated 10 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 proposed alterations to roof to form end gable; rear dormers; rooflights in front roofslopes; window in end gable.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is found to be lawful.

Preliminary Matters

2. The appellant suggests that the alterations to the roof would 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 materials proposed to be used on the side elevations of the rear dormer would not be similar to the materials used on the main roof of the existing dwellinghouse such that it would conflict with condition B.2(a) in Class B, Part 1, Schedule 2 of the GPDO.
3. There is no dispute that the roof alterations comply with the requirements of Classes B and C, Part 1, Schedule 2 of the GPDO other than condition B.2(a). I see no reason to disagree. The main issue is whether the Council's decision was well-founded taking account of the materials proposed to be used on the side elevation of the alterations to the roof.

Reasons

4. Condition B.2(a) of Class B, Part 1, Schedule 2 of the GPDO states that the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The issue, therefore, is whether the proposed materials are similar to those used on the existing dwellinghouse.

5. 31 Meadow Road is a semi-detached two storey dwelling with a gambrel roof. The proposal would replace the lower hipped part of the roof with a pitch to the front, gable end and dormer to the rear. The gambrel would be retained. The gable end would be rendered, the drawings stating: "rendered to match existing". The rear elevation of the dormer would be dominated by a window and glass doors with Juliette balcony. The remainder of the rear elevation would be metal clad.
6. It appears that the Council's concern is that the render proposed for the side elevation would not match other materials used on the roof. I understand that the render would match the appearance of that used on the gambrel rather than the painted render immediately below the proposed gable style end elevation. As a result, a similar render is present on the existing dwellinghouse. Consequently, the render on the side elevation of the dormer would be of similar appearance to that used in the construction of the exterior of the existing dwellinghouse, as required by condition B.2(a) of Class B, Part 1, Schedule 2 of the GPDO.
7. For these reasons, I conclude that the proposed alterations to roof to form end gable; rear dormers; rooflights in front roofslopes; window in end gable would comply with the requirements of Classes B and C, Part 1, Schedule 2 of the GPDO so would comprise permitted development.

Conclusion

8. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed alterations to roof to form end gable; rear dormers; rooflights in front roofslopes; window in end gable was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

AJ Steen

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 29 March 2021 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development would benefit from the planning permission granted by Article 3 and Classes B and C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Signed

AJ Steen

Inspector

Date: [29 September 2022]

Reference: APP/M5450/X/21/3288366

First Schedule

Alterations to roof to form end gable; rear dormers; rooflights in front roofslopes; window in end gable as shown on drawings numbered 1MR.ELEV.PROP.01 (Proposed – North Elevation, East Elevation, South Elevation), 1MR.PROP.01 (Proposed Ground Floor Plan, First Floor Plan), 1MR.ROOF.PROP.01 (Proposed – Second Floor Roofplan), 1MR.SECT.PROP.01 (Proposed – Section A-A, Section B-B), 1MR.VOL.PROP.01 (Proposed – Volume), 1MR.AXO.01 (Proposed – Axonometric Views).

Second Schedule

Land at 31 Meadow Road, Pinner HA5 1EB

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 29 September 2022

by **AJ Steen BA (Hons) DipTP MRTPI**

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Not to scale

