



Appeal Decision

Site visit made on 24 April 2023

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/N5090/X/22/3296350

42 Broadhurst Avenue, Edgware HA8 8TT

- 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 Bercleys against the decision of London Borough of Barnet.
 - The application ref 22/0346/192, dated 21 January 2022, was refused by notice dated 22 March 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 is sought is the erection of a hip to gable extension, rear dormer window and one front facing rooflight.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded.

Reasons

3. Class B, Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO) permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to a number of limitations and conditions. One such limitation set out at paragraph B1(c) of Class B states such 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'*.
4. There is a dispute between the parties as to whether the principal elevation of the appeal property is the elevation fronting Broadhurst Avenue or Lynford Gardens. The Permitted Development Rights for Householders Technical Guidance 2019¹ (Technical Guidance) provides guidance on what the principal elevation is. It states that in most cases it will be the part of the house which fronts the main highway, ie the one that sets the postcode for the house, and contains the main architectural features such as bay windows, porches and main entrance to the house. Where there are two elevations which may have the character of a principal elevation, eg on a corner plot such as the appeal property, a view will need to be taken as to which forms the principal elevation.

¹ Published by the Ministry of Housing, Communities and Local Government

5. The main entrance and porch to the appeal property is in the elevation that fronts Lynford Gardens. However, the elevation fronting Broadhurst Avenue is full two-storey in height and contains a bay window, which replicates the attached property and the near identical pair of properties adjacent to that. The main entrances to these four properties are on their side elevation. These two-pairs of semi-detached properties are clearly designed to be read as a small, cohesive group of properties fronting Broadhurst Avenue. Therefore, I find the principal elevation of the appeal property is that which fronts Broadhurst Avenue.
6. The principal elevation can include more than one roof slope. The full two-storey element that projects off the cat-slide roof in the elevation fronting Lynford Gardens has a hipped roof. The roof plane of this hipped roof which faces Broadhurst Avenue forms part of the principal elevation and, in accordance with the Technical Guidance, forms the line for determining what constitutes 'extends beyond the plane of any existing roof slope'. The plans indicate the proposed hip-to-gable extension would build over approximately half of this roof plane. Consequently, it would extend beyond this roof plane that forms part of the principal elevation and therefore would fail to satisfy paragraph B1(c).
7. I therefore find that the proposal fails to meet the requirements of Class B of the GPDO and therefore would not be permitted development.

Conclusion

8. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the hip to gable extension, rear dormer window and one front facing rooflight was well-founded and that the appeal should fail.

Alexander Walker

INSPECTOR