



Appeal Decision

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2024

Appeal Ref: APP/N5660/X/23/3331323

57 Lamberhurst Road, London, SE27 0SD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Fatima Dadi against the decision of the Council of the London Borough of Lambeth.
 - The application ref 23/02448/LDCP, dated 1 August 2023, was refused by notice dated 27 September 2023.
 - The application was made under section 192(1)(b) of the Act.
 - The development for which a LDC is sought is described as: 'Work on drains. Change the internal layout. Single storey extension. 2 skylights'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My decision rests on the facts of the case and the interpretation of any relevant planning law or judicial authority. The burden of proving relevant facts rests on the Appellants and the test of evidence is made on the balance of probability.

Main Issue

3. Whether the Council's refusal to issue a certificate was well founded.

Reasons for the Recommendation

4. The Council's reason for refusal was that the proposal would fail to comply with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO 2015") Schedule 2, Part 1, Class A.
5. To be successful in this appeal the appellant should show, on the balance of probabilities, that the development would fall within the provisions of the GPDO 2015 Schedule 2, Part 1, Class A ("Class A") in that the proposed development would comply with its limitations.
6. The appellant asserts that Class A, A.1 (f)(i) applies to the proposal. However, Class A, A.1 sets out the limitations of the legislation and where the proposal falls under one of the limitations then that proposal is not permitted. The evidence is clear in this case that the proposal would be within 2 metres of the curtilage boundary and more than 3 metres in height. Class A, A.1(i), states that development is not permitted where the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the

dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

7. Taking the evidence before me and weighing the balance of probabilities, the nature and scale of the proposed development does not comply with the requirements of Class A.
8. For the reasons given above I conclude, on the balance of probabilities, that the Council's refusal to grant a LDC in respect of the work on drains, change the internal layout, single storey extension and 2 skylights was well-founded and that the appeal should fail.

Conclusion and Recommendation

9. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A U Ghafoor

INSPECTOR