



Appeal Decision

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2024

Appeal Ref: APP/T5150/X/23/3334771

49 Braemar Avenue, Brent, Wembley HA0 4QW

- 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 Mr Kevin Jariwala against the decision of the Council of the London Borough of Brent.
 - The application ref. 23/2886, dated 4 September 2023.
 - 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 described as a 'rear extension and loft conversion'.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed development complies with Condition B.1(c), Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons for the Recommendation

3. The appeal property comprises a two-storey dwelling with a gable fronting the highway, flanked by two smaller inclined structures forming the principal elevation, facilitating a change in the height of the eaves to the rear. The appellant considers these smaller structures to represent side dormers, rather than a front roof slope.
4. The Oxford English Dictionary defines a roof as a structure that covers or forms the top of a building, and a slope as a surface that is higher at one end than the other. Neither the GPDO nor the Permitted development rights for householders: Technical Guidance (2019) (the Guidance) place a minimum size for what is considered a roof slope. The Guidance does however confirm that the principal elevation could include more than one roof slope.
5. When looking at the principal elevation of the property, the structures flanking the gable clearly form part of the top of the building and slope upwards and away from the front eaves. As such, despite their modest scale in comparison to the front gable, they form the plane of the existing roof slope of the principal elevation.
6. The proposed dormer extension would protrude either side of the front gable and beyond the roof plane of the flanking sloping structures. As such, the proposal would extend beyond the plane of the roof slope forming the principal elevation and fronting a highway.

7. For these reasons, on the main issue, I conclude that the proposed rear extension and loft conversion, as a whole, would not comply with the requirements of Condition B.1(c), Class B, Part 1, Schedule 2 of the GPDO so would not comprise permitted development.

Conclusion and Recommendation

8. For the reasons given above and on the evidence now available, the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

A U Ghafoor

INSPECTOR