



Appeal Decision

by **A U Ghafoor BSc (Hons), MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/E5330/X/24/3343108

245 Court Road, Eltham, London, SE9 4TQ

- 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 Bobby Manoo against the decision of the Royal Borough of Greenwich.
 - The application ref 24/0639/CP, dated 27 February 2024, was refused by notice dated 22 April 2024.
 - 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 loft conversion designed to meet permitted development requirements.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons for the Recommendation

3. 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 B, Criteria B.1(c).
4. 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 B ("Class B") in that the proposed development would comply with its limitations. In particular, limitation B.1 (c).
5. The existing extension to the side creates an element of roof which becomes part of the principal elevation as set out in the 'Permitted Development Rights for Householders - Technical Guidance' page 33. The principal elevation can include more than one roof slope facing in the same direction. For example, where there is an 'L' shaped frontage. In such cases, all such roof slopes will form the principal elevation and the line for determining what constitutes 'extends beyond the plane of any existing roof slope' will follow these slopes.
6. Consequently, the proposed development would extend beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. As such, the proposed development would fail to comply with the requirements of permitted development as set out within Schedule 2, Part 1, Class B, Criteria B.1(c) of the GPDO 2015.

Conclusion

7. 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 proposed loft conversion designed to meet permitted development requirements, was well-founded and that the appeal should fail.

S. Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A U Ghafoor

INSPECTOR