



Appeal Decision

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2024

Appeal Ref: APP/T5150/X/23/3316130

5 Copland Close, Brent, Wembley HA0 2EW

- 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 Jagjivan Master against the decision of the Council of the London Borough of Brent.
 - The application ref. 22/4040, dated 29 November 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 development is sought is described as a roof profile change from hip to gable and loft conversion with rear dormer and two front skylights change of roof of first floor rear and side extension from pitched roof to flat roof.
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Decision

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

Main Issue

2. The main issue is whether the proposed development complies with 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, semi-detached dwelling. The roof is formed of three distinct sections, two of which comprise hipped roofs above the second storey with one of these slightly lower in ridge height and set back from the highway. The third section consists of a large flat roof above the single storey garage wrapping around the rear of the property, constituting approximately half of the total roof area.
4. Class B, Part 1, Schedule 2 of the GPDO relates to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Both parties agree that the proposal would be compliant with the criteria specified within B.1 and B.2 of Class B. The principal issue is whether the proposal would go beyond an addition or alteration. The GPDO does not define addition and alteration to the roof and it is therefore a matter of fact and degree. Given their ordinary meaning, addition or alteration can encompass significant alterations to the design and layout of a roof.
5. The proposal would alter the taller of the existing hipped roofs to create an end gable with the addition of a rear dormer to facilitate living accommodation within the roof space, maintaining a sizable portion of this roof section. The

lower hipped roof section would involve some demolition and reconstruction to form a flat roof, with this representing a relatively modest portion of the total existing roof area. The single storey flat roof section would remain unaltered, with the proposal retaining most of the existing roof structure.

6. The Council have drawn my attention to appeal decision APP/T5150/X/20/3247496, within which the Inspector found that the proposal would remove around three quarters of the original roof, involving a significant amount of demolition and reconstruction of more than half of the roof area. They concluded that, as a matter of fact and degree, the proposal would go beyond either an addition or alteration to the roof as a substantial part of the original roof structure would not remain. With this in mind, as a matter of fact and degree, given it would involve the demolition and reconstruction of less than half of the roof structure, the proposed development would amount to either an addition or alteration to the roof.

Conclusion and Recommendation

7. On the available evidence, the development would meet the conditions prescribed by Class B of Schedule 2, Part 1 of the GPDO. The proposal would therefore benefit from the permitted development rights conferred by Article 3(1) and Class B of Part 1, Schedule 2 of the GPDO. I therefore conclude that the certificate of lawful use or development in respect of the appeal was not well-founded and that the appeal should succeed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

A Ghafoor

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 November 2022 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(1)(b) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed development would meet the requirements and conditions of Class B, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Planning permission for the development is therefore conferred by Article 3(1) and Class E of Schedule 2, Part 1 of the GPDO.

Signed

A Ghafoor

Inspector

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First Schedule

Roof profile change from hip to gable and loft conversion with rear dormer and two front skylights change of roof of first floor rear and side extension from pitched roof to flat roof as shown on drawings TRICON/5CC/101 A; TRICON/5CC/102 A; TRICON/5CC/105 A; and TRICON/5CC/106 A.

Second Schedule

Land at 5 Copland Close, Brent, Wembley HA0 2EW

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 use /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 /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /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: **5th August 2024**

by A U Ghafoor BSc (Hons) MA MRTPI

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Scale: Not to Scale

