

Appeal Decision

Site visit made on 19 May 2025

by **John Whalley**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

APP/C1625/X/24/3354408

288 Westward Road, Ebley, Stroud, Gloucestershire GL5 4TP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended, (the Act), by the Planning and Compensation Act 1991 against a refusal by Stroud District Council to grant a certificate of lawful use or development.
- The appeal was made by Mr George Bailey.
- The application, reference S.24/1179/CPL, was dated on 1 July 2024. It was refused by a notice dated 9 August 2024.
- The Application for a Certificate of Lawful Development was for the installation of a sedum roof on to existing extension/side building to the same height as previous roof at No. 288 Westward Road, Ebley, Stroud, Gloucestershire GL5 4TP.

Summary of decision: The appeal is dismissed.

Appeal property and application

1. The appeal property, No. 288 Westward Road, Ebley, Stroud is a 2 storey detached dwelling with single storey extensions on each side. The application concerns proposed remedial and improvement works to the roof of the westward side extension.
2. The Applicant, Mr George Bailey, wishes to replace the slightly sloping corrugated asbestos sheet roof covering of the smaller western side extension with a similarly sloping sedum covered roof, (sedum roof - a form of green roof where the majority of the plants laid on the roof are low growing succulents from the sedum, or stonecrop, family). My site inspection showed that Mr Bailey had started work on the roof, necessitated by its poor state of repair.
3. The Council's reasons to refuse to issue a lawful development certificate for the replacement roof were: the proposed installation of the sedum roof would not comply with B.1(b) and B.2(a) to Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (the Order), and would be contrary to C.1(b) and (c) to Class C, Part 1, Schedule 2 of the Order.
4. The Council said Mr Bailey's proposal would not comply with the limitations of Class B or Class C of the Order as:
 - (1) The plans showed an increase in pitch and height over the permitted 0.15m protrusion allowed by Class C(b);
 - (2) The conditions to Class B state that materials used in external works are to match the existing dwelling. The Council said the sedum roof would not be similar in appearance to the rest of the dwelling.

Considerations

5. Class B to Schedule 2 Part 1 of the Order - additions etc to the roof of a dwellinghouse permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. However, B1(b) says that development is not permitted by Class B if any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.
6. The 2 application plans 1061881 – Sedum Drawing.pdf were scale drawings, but show no dimensions. Figure 2 drawings show the maximum height of the existing sloping roof of the extension as 2.65m, the proposed replacement roof as 2.74m, an increase of 0.09m. However, the Council's concern on the B.1(b) of Order Class B – additions etc to the roof of a dwellinghouse below the 0.15m permitted limit, in this instance is otiose. Ministry guidance entitled 'Permitted development rights for householders: technical guidance' says, in explanation of B.1(b) limits and conditions: "The highest part of the roof of the existing house will be the height of the ridge line of the main roof (even though there may be other ridge lines at a lower level) or the height of the highest roof where roofs on a building are flat.". The Council's concern in relation possible non-adherence with limitations Class C C.1(a) and (b) was similarly misplaced.
7. The remaining and determinative objection to the issue of a certificate of lawfulness is the question of the effect of the side extension re-roofing work on its appearance. Condition B.2 to Class at B.2(a) requires that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The new sedum covered roof would not pass that test. Although it may be, as Mr Bailey claimed, the new work would improve the utilitarian appearance of the side extension corrugated sheet roof, planning merits of the proposal are not relevant in the context of an appeal under s.195 of the 1990 Act.

Conclusion

8. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development on the application made for the installation of a sedum roof on to the existing extension/side building to the same height as previous roof at No. 288 Westward Road, Ebley, Stroud, Gloucestershire GL5 4TP was well founded. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

FORMAL DECISION

9. The appeal is dismissed.

John Whalley

INSPECTOR