



Appeal Decision

Site visit made on 20 May 2025

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/Z0116/X/25/3359543

19 Upper Cranbrook Road, Bristol, BS6 7UW

- 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 Dr Christopher Julian against the decision of Bristol City Council.
 - The application ref 23/01848/CP, dated 24 April 2023, was refused by notice dated 12 July 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 a loft conversion – hip to gable and rear dormer.
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Decision

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

Preliminary Matters

2. At the time of my site visit it was possible to see that a hip to gable extension and rear dormer had been constructed at the property. I have nothing before me to confirm that the development that has taken place is the same as that which is currently before me. I have therefore made my decision on the basis of the submitted information.

Main Issue

3. The main issue is whether the decision of the Council to refuse the application for a certificate was well founded, having regard to the volume of the proposed roof extensions.

Reasons

4. The appellant seeks to construct a loft conversion at the appeal property, comprising of a hip to gable addition to the side of the roof and the formation of a dormer to the rear roof plane. The only matter in dispute between the parties is whether or not the proposal accords with the conditions set out in paragraph B.1(d) of Class B, Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, which states, as far as is applicable to this appeal, that development is not permitted by Class B if:
 - (d) *the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—*
 - (i) *40 cubic metres in the case of a terrace house, or*
 - (ii) *50 cubic metres in any other case;*

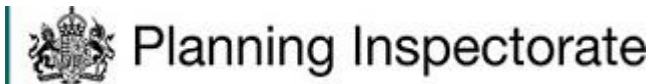
5. As the property is not part of a terrace but is a semi-detached property, the relevant limitation in this case is 50 cubic metres (m³).
6. The application was accompanied by scale plans showing the proposed works, however the Council states in its statement of case that no calculations were provided. These have been included by the appellant within the appeal documents and supplemented by a drawing of the roof alterations with dimensions, which indicate that the combined total volume of the hip to gable extension and rear dormer would be 48.07m³. The appellant's agent confirms within the final comments that the calculations and drawings provided are correctly stated.
7. The Council has provided screenshots of elevation drawings with dimensions annotated on them, but it is unclear how these were obtained, possibly through scaling off measurements of the drawings. In this light, I find that it would be more appropriate to rely on the submissions of the appellant.
8. Given the detailed submission of the appellant, against the unclear method of the Council in obtaining measurements, I find that the proposal would comply with paragraph B.1(d) of Class B, Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, and thus would be permitted development.

Conclusion

9. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for a loft conversion – hip to gable and rear dormer, was not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Martin Allen

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 9 May 2023 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

Paragraph B.1(d) of Class B, Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, states, as far as is applicable to this appeal, that development is not permitted by Class B if:

- (d) *the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—*
 - (i) *40 cubic metres in the case of a terrace house, or*
 - (ii) *50 cubic metres in any other case;*

Given that the volume of the proposed formation of the hip to gable extension and rear dormers would not exceed 50m³, the development would comply with paragraph B.1(d) of Class B, Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, and thus is permitted development.

Signed

Martin Allen

Inspector

Date: 03 June 2025

Reference: APP/Z0116/X/25/3359543

First Schedule

Loft conversion – hip to gable and rear dormer.

Second Schedule

Land at 19 Upper Cranbrook Road, Bristol, BS6 7UW

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: 03 June 2025

by Martin Allen

Land at: 19 Upper Cranbrook Road, Bristol, BS6 7UW

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Scale: Not to Scale

