



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/Y1945/X/24/3340422

157 Cassiobury Drive, Watford, Hertfordshire WD17 3AL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") against a refusal to grant a certificate of lawful use or development ("LDC").
 - The appeal is made by Terry and Jennie Faulkner against the decision of Watford Borough Council.
 - The application ref 23/01028/LDC, dated 8 November 2023, was refused by notice dated 22 December 2023.
 - The application was made under section 192(1)(b) of the 1990 Act.
 - The development for which a LDC is sought is: Roof alteration involving double hip to gable barn-end conversion; erection of a rear dormer with French Doors with Juliet Balcony; installation of front and side facing roof lights and new casement windows to the front and rear.
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Decision

1. The appeal is allowed and attached to this decision is a LDC describing the extent of the proposed operations which are found to be lawful.

Preliminary Matters

2. The planning merits of the proposed development are not relevant to this appeal. Therefore, a site visit would not help me reach a decision. I advised the main parties of my intention to determine the appeal without a site visit. I have not received any comments disagreeing with this approach from either party.
3. The description of development in the application form contained a spelling mistake therefore, I have corrected it within the banner heading above.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant a LDC for the proposed development was well-founded.

Reasons

5. For a LDC to be granted under section 192 of the 1990 Act, it is necessary for the appellant to demonstrate, on the balance of probabilities, that the use or operations described would have been lawful on the date of the application having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").
6. The appeal site comprises a detached bungalow. The bungalow has a hipped roof with a pitched roof extending from it to the front and rear. It is proposed to alter two sides of the hipped roof with a half-hip and construct a box dormer to the rear. Rooflights would be inserted within the front roof slope and on one slope of the

forward projecting pitched roof. A first floor window would be inserted into the existing gables of the front and rear pitched roofs.

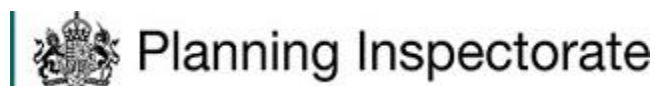
7. Class A, Part 1 of Schedule 2 of the GPDO permits the enlargement, improvement or other alteration of a dwellinghouse. Class B, Part 1 of Schedule 2 of the GPDO permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. While Class C, Part 1 of Schedule 2 of the GPDO permits any other alteration to the roof of a dwellinghouse. From the information before me, I have no reason to disagree with the Council that the proposed development would accord with Classes A and C of the GPDO.
8. The only matter in dispute between the parties is whether the proposal would comply with condition B.2(b) of Class B, Part 1 of Schedule 2 of the GPDO which states, *“the enlargement must be constructed so that –*
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension -*
 - (aa) the eaves of the original roof are maintained or reinstated;...*”
9. The alterations to the hipped roof would involve a hip-to-half hip enlargement rather than a hip-to-gable. They would also not involve an enlargement which joins the original roof to the roof of a rear or side extension. Therefore, condition B.2(b)(i)(aa) is applicable to the proposed development.
10. The Council assert that the proposed development would fail to comply with criterion (aa) as the half hip enlargements would result in the *“formation of a new eaves line set 2.1m higher than the existing eaves”*. However, criterion (aa) is concerned with the maintenance or reinstatement of the eaves of the original roof. It does not infer any restriction to the creation of new eaves.
11. The drawings submitted with the LDC demonstrate that the hip-to-half hip enlargements would maintain the eaves of the original roof. As a result, I am satisfied that, on the balance of probabilities, the proposal would comply with criterion (aa) of condition B.2(b)(i) of Class B, Part 1 of Schedule 2 of the GPDO. Consequently, the proposed development would have been permitted development on the date of the application.

Conclusion

12. For the reasons given above, I conclude that the Council’s refusal to grant a LDC for a roof alteration involving double hip to gable barn-end conversion; erection of a rear dormer with French Doors with Juliet Balcony; installation of front and side facing roof lights and new casement windows to the front and rear is 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.

A Berry

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 8 November 2023 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 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed development is permitted development pursuant to Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for which planning permission is granted by Article 3(1) of that Order.

Signed

A Berry

INSPECTOR

Date: 30 June 2025

Reference: APP/Y1945/X/24/3340422

First Schedule

Roof alteration involving double hip to gable barn-end conversion; erection of a rear dormer with French Doors with Juliet Balcony; installation of front and side facing roof lights and new casement windows to the front and rear.

Second Schedule

Land at 157 Cassiobury Drive, Watford, Hertfordshire WD17 3AL

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: 30 June 2025

by A Berry

Land at: 157 Cassiobury Drive, Watford, Hertfordshire WD17 3AL

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Scale: Not to Scale

