



Appeal Decision

Site visit made on 15 July 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 JULY 2025

Appeal Ref: APP/W4705/X/25/3360364

The Grange, Stoney Ridge Road, Bradford, West Yorkshire, BD16 1UN

- 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 M Choudhury against the decision of City of Bradford Metropolitan District Council.
 - The application ref 21/02051/CLP, dated 16 April 2021, was refused by notice dated 14 June 2021.
 - 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 extensions to the existing dwelling and the construction of a detached ancillary outbuilding.
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Decision

1. The appeal is dismissed in so far as it relates to the proposed single storey and two storey extensions on the west facing elevation of the dwellinghouse, the proposed dormers on the west facing roof slope of the dwellinghouse, and the proposed outbuilding. The appeal is allowed in so far as it relates to the proposed porch and single storey side extensions and attached to this decision is a certificate of lawful use or development describing the proposed operations which are found to be lawful.

Preliminary Matters

2. For the avoidance of doubt, I make clear that the planning merits of the proposed development is not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.
3. I observed on my site visit that some alterations and extensions to the dwellinghouse had taken place since the LDC application was submitted. Construction work was ongoing. I do not have the exact details relating to the circumstances which led to these extensions and alterations occurring but, in any event, it is necessary that I consider the proposal based on the dwellinghouse that existed when the LDC application was submitted, i.e., on 16 April 2021. In this regard, I have considered the images of the dwellinghouse submitted as part of the appeal. Moreover, I have reached my conclusion below based on the evidence that is before me and irrespective of any comments or decisions made by the local planning authority since the LDC application was submitted.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether on the date of the LDC application, planning permission was not required for the proposed extensions to the existing

dwellinghouse and the construction of a proposed detached ancillary outbuilding, having regard to the limitations and conditions outlined in the relevant classes of development in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

5. There is no dispute between the main parties that on the date of the LDC application, the proposed porch would be permitted development under Class D of Part 1 of Schedule 2 of the GPDO. Moreover, this also applies to the proposed single storey extensions to be constructed off the side elevations of the dwellinghouse. These would be permitted development under Class A of Part 1 of Schedule 2 of the GPDO.
6. The point of dispute between the main parties relates to the proposed single and two storey extensions on the west facing elevation, the proposed dormers on the west facing roof slope, and the proposed outbuilding which would be forward of the west facing elevation. The relevant classes of development in the GPDO in terms of these proposals are respectively classes A, B and E of Part 1 of Schedule 2 of the GPDO. In considering these proposals, the point of dispute between the main parties is (i) whether the proposed single and two storey extensions on the west facing elevation would not be permitted development in so far that they would *“extend beyond a wall which— (i) forms the principal elevation of the original dwellinghouse”* (Class A); (ii) whether the proposed dormers would not be permitted development in so far that they would *“extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway”* (Class B), and, (iii) whether the proposed ancillary outbuilding would not be permitted development in so far that it would *“be situated on land forward of a wall forming the principal elevation of the original dwellinghouse”* (Class E).
7. The Government’s Permitted Development Rights for Householders: Technical Guidance (Updated 2019) states that *“in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation”*.
8. In this case, and, as I observed on my site visit, the west facing elevation is that which fronts Stoney Ridge Road. This is the main highway which serves the dwellinghouse. There does appear to be some sort of driveway positioned close to the eastern elevation of the dwellinghouse and leading to a gate which gives access to Stoney Ridge Plantation, but there is no evidence to suggest that this was ever a main highway or indeed that it was in use in association with dwellinghouse on 16 April 2021.
9. Unlike the rear of the building, the image shows that the west facing elevation includes a post box and a doorbell. Moreover, the driveway and parking area are

associated with the west facing elevation. I acknowledge that the east facing elevation image also includes architectural features such as a central access doorway leading to steps down into the garden area, and the provision of ground floor bay windows. However, there can only be one principal elevation on a dwellinghouse. In my judgement, and, as a matter of fact and degree, most would associate the west facing elevation as that which is the principal elevation. Its position relative to Stoney Ridge Road and the existence of a post box and a doorbell are determinative matters in the case. I conclude that the west facing elevation is therefore the principal elevation of the dwellinghouse.

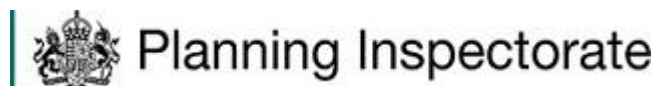
10. Given my conclusion above about what is the principal elevation of the dwellinghouse, I therefore conclude that on the date of the LDC application the proposed single storey and two storey extensions on the west facing elevation, the proposed dormers on the west facing roof slope, and the proposed outbuilding, were not permitted development given the limitations imposed in respect of classes A, B and E of the Part 1 of Schedule 2 of the GPDO.

Conclusion

11. For the reasons given above, I conclude on the evidence now available, that (a) the Council's refusal to grant a certificate of lawful use or development in respect of construction of the proposed porch and single storey side extensions is not well-founded and the appeal should succeed for that part of the development only; and (b) the Council's refusal to grant a certificate of lawful use or development in respect of the proposed single storey and two storey extensions on the west facing elevation of the dwellinghouse, the proposed dormers on the west facing roof slope of the dwellinghouse, and the proposed outbuilding, is well-founded and the appeal for that part of the development should fail. I will exercise the powers transferred to me under section 195(2) and 195(3) of the 1990 Act as amended.

D Hartley

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 16 April 2021 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shown on the plans 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:

On the date of the LDC application, the proposed porch and single storey side extensions were permitted development under Classes A and D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

D Hartley

Inspector

Date: **15 JULY 2025**

Reference: APP/W4705/X/25/3360364

First Schedule

Proposed porch and single storey side extensions

Second Schedule

The Grange, Stoney Ridge Road, Bradford, BD16 1UN

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.

Plans

This is the plan referred to in the Lawful Development Certificate dated: **15 JULY 2025**

by **D Hartley BA (Hons) MTP MBA MRTPI**

Land at: The Grange, Stoney Ridge Road, Bradford, BD16 1UN

Reference: APP/W4705/X/25/3360364

Scale: Not to Scale

