



Appeal Decision

Site visit made on 8 July 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/H5960/X/24/3347393

74 St. Ann's Hill, Wandsworth, London SW18 2SB

- 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 Paul Crayford against the decision of the Council of the London Borough of Wandsworth.
- The application ref 2023/4864, dated 22 December 2023, was refused by notice dated 20 February 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 described as the erection of a dormer extension above a two storey back addition.

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.

Main Issue

2. The main issue is whether the decision of the Council of the London Borough of Wandsworth to refuse to grant a LDC, was well-founded. This issue turns on whether the proposal would be permitted development by virtue of Article 3(1) and Class B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (the GPDO).

Reasons

3. Under section 192(1)(b) of the Town and Country Planning Act 1990 as amended (the 1990 Act), if any person wishes to ascertain whether and operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. If, on an application under this section, the local planning authority is provided with information satisfying it that the operations described in the application would be lawful if instituted or begun at the time of the application, it shall issue a certificate to that effect; and in any other case it shall refuse the application.
4. Schedule 2, Part 1, Class B of the GPDO sets out that the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development subject to the limitations and conditions as set out in the GPDO. Both parties agree that the proposed development would accord with the main provisions of the GPDO. However, where the parties differ is in regard to the interpretation of section B.1(c) *any part of the dwellinghouse would, as a result of*

the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

5. The appeal site comprises a corner plot at the end of a terrace, with elevations on both St. Ann's Hill and Cader Road. It is the Council's case that the proposed development would extend beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway, and therefore fails to comply with criterion B.1(c) of the GPDO. Consequently, it would not be permitted by Class B.
6. Both parties refer to the *Permitted Development for Householders: Technical Guidance* (TG)¹, which provides assistance in the interpretation and application of the GPDO. The TG highlights that usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. The TG further indicates that where there are two elevations which may have the character of a principal elevation, for example on a corner plot as in this appeal, a view will need to be taken as to which of these forms the principal elevation.
7. In most cases the TG advises that 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 bay windows or a porch serving the entrance to the house.
8. In considering the definition of the principal elevation as contained in the TG, the Council found, on the balance of probability, that the Cader Road façade would be defined as the principal elevation. In reaching this conclusion the Council considered that the side of the building facing Cader Road fronted the main highway serving the house and contained the main architectural features such as the entrance to the house, an open decorative porch and architectural detailing on the cornices above the windows.
9. I appreciate that an elevation fronting on to the main highway is often indicative of the principal elevation, however in this instance the Cader Road elevation lacks the architectural presence when compared to the streetscene along St. Ann's Hill. The property is read as part of the St. Ann's Hill terrace (Nos 38 – 74 evens) given the rhythm and consistency in the architectural detailing along this elevation including traditional gabled roofs, window details such as decorative cornices, capitals and broken pediments. Given the appeal site forms part of this distinctive terrace fronting St. Ann's Hill, and as this also contains its address and postcode, I cannot reasonably conclude that the Cader Road façade would form the principal or front elevation.
10. Thus, as the St. Ann's Hill elevation would be the principle or front elevation, I find, that the erection of a dormer extension above the two storey addition at the rear is development, which is permitted by Schedule 2, Part 1, Class B of the GPDO.

Conclusion

11. 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 the erection of a dormer extension above a two storey back addition is not well-founded and

¹ September 2019

that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Robert Naylor

INSPECTOR

Plan

This is the plan referred to in the Lawful Development Certificate dated: 18 July 2025

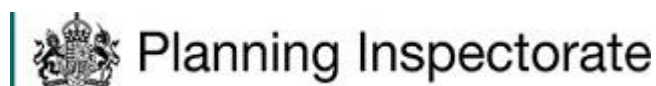
by Robert Naylor

Land at: 74 St. Ann's Hill, Wandsworth, London SW18 2SB

Reference: APP/H5960/X/24/3347393

Scale: Not to Scale





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 22 December 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 dormer extension would be permitted development by virtue of Article 3(1) and Class B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Signed

Robert Naylor

Inspector

Date: 18 July 2025

Reference: APP/H5960/X/24/3347393

First Schedule

The erection of a dormer extension above a two storey back addition as shown in drawings; PP-06; PP-07; PP-08; PP-09; PP-10; PP-11 and PP-12

Second Schedule

Land at 74 St. Ann's Hill, Wandsworth, London SW18 2SB

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.