
Appeal Decision

Site visit made on 30 September 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Appeal Ref: APP/B5480/X/23/3328232

18 Knighton Road, Romford, RM7 9BS

- 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 Victor Penciu on behalf of PAD Architectural Consultants against the decision of the Council of the London Borough of Havering.
 - The application ref E0018.23, dated 15 May 2023, was refused by notice dated 17 August 2023.
 - The application was made under section 191(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 with 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 considered to be lawful.

Preliminary Matters

2. The certificate seeks to establish whether the works would have been lawful on the date of the application. In an application for an LDC, the onus is on the applicant to provide all the relevant information and evidence to support their case. On appeal, the Inspector's role is to decide whether, on the evidence, the Council's refusal to issue an LDC was well-founded. The case must be considered solely on the facts of the case, the relevant planning law and judicial authority, and its planning merits are of no relevance. The appellant must show, on the balance of probabilities, that the development, at the date of application, was lawful.

Main Issue

3. The main issue is whether the Council's refusal to grant the LDC was well founded. It is necessary to consider whether the loft conversion with rear dormer is granted planning permission by Article 3, Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).

Reasons

4. This appeal relates to a two-storey detached dwelling. Subject to limitations and conditions Class B of Schedule 2, Part 1 of the GPDO permits 'additions etc to the roof of a dwellinghouse'.
5. The Council refused the LDC application on the basis that the rear dormer window was in part facilitated by the roof of a previous first floor rear extension which is attached to the original roof of the main house. In the absence of any information

regarding the cubic volume of that roof extension, the Council contend that the cubic content of the resulting roof space would exceed 50 cubic metres, for this detached property, contrary to Class B.1 (d)(ii) .

6. However, the appellant has now provided volume calculation for both the roof of the first-floor rear extension (17.6m³) and the volume for the existing rear dormer (31.2m³). The combined volume is 48.8m³. In the absence of any further evidence from the Council on this matter, following the appellant's statement, I have based my assessment on the measurements provided by the appellant.

7. From my reading of the drawings and the appellant's measurements, the loft extension does not exceed 50 cubic metres of the existing dwellinghouse. Therefore, the development does not fail to meet the limitation under Paragraph Class B.1 (d) of Schedule 2, Part 1, Class B of the GPDO.

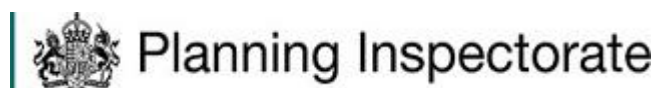
8. The Council have raised no conflict against any of the other limitations and conditions of Article 3, Schedule 2, Part 1, Class B of the GPDO, and I find no reason to disagree with these findings.

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 in respect of a loft conversion with rear dormer was not well-founded and that the appeal should succeed. I exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

R Satheesan

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(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 15 May 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, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development is “permitted development” falling within Class B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for which planning permission is granted by Article 3(1) of that Order.

Signed

R Satheesan

INSPECTOR

Date: 09 October 2025

Reference: APP/B5480/X/23/3328232

First Schedule

Loft conversion with rear dormer.

Second Schedule

Land at 18 Knighton Road, Romford, RM7 9BS

NOTES

This certificate is issued solely for the purpose of Section 191 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 was /were 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 09 October 2025

by R Satheesan

Land at: 18 Knighton Road, Romford, RM7 9BS

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Scale: Not to Scale

