



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/B5480/X/24/3339176

3 Earlswell Walk, Romford RM3 7GQ

- 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 Muhammad Adeel Noor against the decision of the Council of the London Borough of Havering.
 - The application ref D0449.23, dated 18 October 2023, was refused by notice dated 13 December 2023.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is loft conversion with rear dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of the proposed development against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). The proposed development is shown on drawings submitted with the application. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 3 Earlswell Walk is a two-storey end-terraced dwelling with a gable roof. The adjoining dwelling is at right angles to the appeal property. Consequently, the gable roof over the adjoining dwelling hips into the gable roof over the appeal property. The proposed rear dormer would be in the same position as this hip.
4. Drawings submitted with the application show existing and proposed floor and roof plans and elevations of the appeal dwelling. A proposed roof plan shows the proposed dormer to extend across almost the entire width of the rear roof slope; this would require the removal of the hip element of the roof structure and the construction of a gable wall at roof level to the neighbouring dwelling. A proposed rear elevation shows the elevation of the dormer to be 'tile hung' and that 'part of the dormer is hidden behind neighbouring pitch roof'.
5. Proposed side elevations show a different configuration for the rear dormer. They show triangular dormers either side of the hipped section of the roof, which would remain. The drawings submitted with the application are confused. In addition, the description of the proposed development is for a single rear dormer, not for two rear dormers. Government guidance, for LDC applications, requires "...an application to describe precisely what is being applied for...". The Appellant has put forward a confused application and has failed to satisfy this requirement.

6. If the application was intended to be for a full width rear dormer, requiring the removal of the hip and the construction of a gable wall at roof level to the neighbouring dwelling, then this would not be development permitted under the provisions of Class A of Part 1 of the Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015; because permitted development cannot include works to a neighbouring property. The proposed development is confused and, in these circumstances, an LDC cannot be granted.

7. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for loft conversion with rear dormer at 3 Earlswell Walk, Romford was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector