



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/K3605/X/24/3344682

52 Alexandra Road, Thames Ditton KT7 0QT

- 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 Mrs Samin Muir against the decision of Elmbridge Borough Council.
- The application ref 2022/2955, dated 29 September 2022, was refused by notice dated 22 November 2022.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 (as amended).
- The development for which an LDC is sought is create loft room.

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. 52 Alexandra Road is a two-storey mid-terraced dwelling. The pitched roof over the main part of the dwelling has a gable at the front and a hip at the rear, and there are valley gutters to both sides. The dwelling extends to the rear of its main part; the ground floor being full-width and the first floor being part-width. The first part of the first floor has a monopitch roof, though it has a hip back to a valley gutter abutting the main part of the dwelling, and the rear part has a flat roof. The gutter to the monopitch roof is below the level of the gutter to the hip over the main part of the dwelling.
4. The proposed development would be a flat roofed extension at second floor level. The extension would be full width over the rear half of the main part of the dwelling and nearly as wide as the part width monopitch roofed rear extension. The roof over the extension would be no higher than the ridge over the main part of the dwelling.
5. Class B of Part 1 of Schedule 2 of the GPDO provides that the enlargement of a dwellinghouse consisting of an addition to its roof is permitted development subject to limitations and conditions. The Council accepts that the proposed development complies with the limitations and conditions, other than conditions B.2(b)(i)(aa) and B.2(b)(ii). Condition B.2(b)(i)(aa) states that the enlargement must be constructed so that the eaves of the original roof are maintained or reinstated. Condition B.2(b)(ii) requires that no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

6. The main issue is whether the proposed development accords with conditions B.2(b)(i)(aa) and B.2(b)(ii) of Class B of Part 1 of Schedule 2 of the GPDO.

7. The crucial factor in this case is that the eaves to the rear monopitch element of the dwelling is below the eaves to the main part of the dwelling. Consequently, the part of the proposed enlargement over the rear monopitch element, where it abuts the rear wall of the main part of the dwelling, reduces the length of the eaves to that part of the dwelling. The result is that the eaves of the original roof to the main part of the dwelling would not be maintained, in contravention of condition B.2(b)(i)(aa). Furthermore, the part of the proposed enlargement over the monopitch element of the dwelling that does reduce the length of the eaves would extend beyond the outside face of the rear external wall of the main part of the dwelling, in contravention of condition B.2(b)(ii).

8. The limitations and conditions set out in the GPDO must be taken as they are written and even a small contravention of a condition will result in a proposed development being not permitted. The Appellant has referred to other similar developments but the specific circumstances of these cases are not known. This appeal has been determined on the specific circumstances of the proposed enlargement of the appeal dwelling, as it must be.

9. The proposed development does not accord with conditions B.2(b)(i)(aa) and B.2(b)(ii) of Class B of Part 1 of Schedule 2 of the GPDO. The proposal is not therefore development permitted under the provisions of the GPDO.

10. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for 'create loft room' at 52 Alexandra Road, Thames Ditton 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