



Appeal Decision

No site visit made

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/G5180/X/24/3344797

10 Crescent Drive, Petts Wood, Orpington BR5 1BD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (the 1990 Act) as amended against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Vishesh Mantri against the decision of the Council of the London Borough of Bromley.
- The application ref DC/24/00286/PLUD, dated 25 January 2024, was refused by notice dated 21 March 2024.
- The application was made under section 192(1)(b) of the 1990 Act (as amended).
- The development for which a certificate of lawful use or development is sought is for a loft conversion incorporating a side gable extension, rear dormer and side rooflights with change from a pitched roof to a flat roof of existing side projection.

Formal Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the LDC application form differs to that contained within the decision notice and appeal form. There is no evidence that any change was formally agreed. The description as contained on the decision notice more accurately reflects the scope of the proposed plans which were submitted and determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, for the benefit of clarity I rely upon the description contained in the decision notice for the purposes of the heading above.
3. For the purposes of obtaining a LDC the burden of proof lies with the appellant, and the standard of proof is the balance of probabilities¹. The relevant date for ascertaining whether the proposed development would be lawful is the date of the application. Consequently, the planning merits of the case are not relevant.

Main Issue

4. The main issue is whether the decision of the Council of the London Borough of Bromley to refuse to grant the LDC was well-founded.
5. The question is therefore whether, at the time of the application, the proposed development for a side gable extension, rear dormer and side rooflights and an alteration of the roof to the existing side projection from a pitched to a flat roof would be permitted development (PD), and thereby granted planning permission, by Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

¹ *Thrasivoulou v SSE & Hackney LBC* (No 1) [1984] JPL 732

Reasons

6. The appeal site is a two storey (albeit with office accommodation in the roof space) semi-detached family dwellinghouse on Crescent Drive close to the junction with Lakeswood Road in Orpington. The property has a mock-Tudor design featuring a large gable spanning both of the semi-detached properties and bay windows on each unit at the front.
7. As with many other semi-detached properties in Crescent Drive, towards the rear of the host property is a subservient two-storey protrusion to the flank elevation. This feature contains a hipped roof with similar angles to the main roof. Given this layout, the subservient roof slope fronts the principal elevation at Crescent Drive. I have highlighted the relevant section of the roof in blue on the elevational and plan figures below.



8. Schedule 2, Part 1, Class B of the GPDO confirms that the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is PD, so long as it does not breach any of the limitations set out at paragraph B.1. Paragraph B.1 (c) of the GPDO states that development is not considered PD if *'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.'*
9. The Permitted Development for Householders: Technical Guidance (TG)², provides assistance in the interpretation and application of the GPDO. The TG highlights the principal elevation could include more than one roof slope facing in the same direction, e.g. where there is an 'L' shaped frontage. In such cases, the TG further highlights that all such roof slopes will form the principal elevation and the line for determining what constitutes 'extends beyond the plane of any existing roof slope' will follow these slopes.
10. The proposed development includes an extension over part of the roof of the subservient two-storey protrusion on the flank elevation (shown in blue above).

² September 2019

This is to create a larger office in the roof at the rear. The resulting flank elevation of the rear office provides an alteration on a roof plane that forms the principal elevation of the dwellinghouse and fronts a highway. Accordingly, the scheme would not comply with the limits and conditions of PD, as set out in Schedule 2 Part 1 Class B.1 (c) of the GDPO and subsequently planning permission is required.

11. The appellant claims that as part of the proposed works, the hipped roof of the subservient two-storey protrusion to the flank elevation will be removed and a flat roof created, prior to any works being undertaken to the main roof of the property. This would ensure that the appeal site does not contain a roof plane that forms the principal elevation of the dwellinghouse and fronts a highway. However, s192(2) of the 1990 Act prescribes that if “*at the time of the application*” the Local Planning Authority (LPA) are provided with information satisfying them that the operations described in the application would be lawful they should issue a LDC, otherwise they shall refuse the application. From the details before me, given that the roof which forms the principal elevation of the dwellinghouse and fronts a highway remains in situ, a LDC cannot be issued at this time.

Other Matters

12. I am sympathetic to the appellant’s position in that they are seeking consistency in decision making from the LPA. Whilst the appellants make several references to other LDC decisions taken by the LPA in the vicinity³, I am not bound by these decisions. Furthermore, whilst there appears to be a degree of inconsistency in the LPA’s approach, I can only consider whether the development before me is lawful, based on the submitted evidence, which for the reasons stated above, does not benefit as PD and is therefore not a lawful development.

Conclusion

13. For the reasons above, I conclude that the Council’s refusal to grant a certificate of lawful development in respect of a loft conversion incorporating a side gable extension, rear dormer and side rooflights with a change from a pitched roof to a flat roof of the existing side projection was well founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Robert Naylor

INSPECTOR

³ London Borough or Bromley Planning Refs: DC/22/02674/PLUD and DC/18/05110/PLUD