



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/F5540/X/24/3349751

27 Riverdale Rd, Hanworth TW13 6NR

- 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 Pyrosome Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application ref P/2024/0934, dated 19 March 2024, was refused by notice dated 7 August 2024.
 - 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 'rear roof extension with hip to gable conversion and PV sited on top, and rear fenestration changes'.
-

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 and the details of this case are the subject of written evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 27 Riverdale Road was a two-storey end-terraced dwelling until fire resulted in the collapse of much of the building several years ago. Evidence indicates that the remains of the building were all that existed on the date of the application. Existing drawings of the dwelling are as it previously existed, not what exists on site. If the dwelling as it was, existed on site then the application would be considered against the provisions of Class B of Part 1 and Class A of Part 14 of Schedule 2 of the GPDO to judge whether the proposed development is permitted under the GPDO.
4. Class B of Part 1 relates to, for this case, the enlargement of a dwellinghouse and Class A of Part 14 relates to, for this case, the installation of solar PV panels on a dwellinghouse. The crucial factor in both instances is that the permitted development right applies to a dwellinghouse. It was found in *Gravesham BC v SSE and O'Brien [1982] 47 P&CR 142* that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day to day private existence. Under this judgement what exists on the land is not a dwellinghouse.
5. A new or rebuilt dwellinghouse must be substantially complete before any permitted extensions are made to it under the provisions of the GPDO. If the dwellinghouse and permitted extensions are constructed in one building operation then

the resulting building would be unlawful. Consequently, if 27 Riverdale Road were to be rebuilt with extensions otherwise permitted under the GPDO, in one building operation, then it would be unlawful.

6. The Appellant has referred to many matters including planning history, compliance with the Building Regulations and fire safety standards, and to email exchanges with Council Officers. None of these matters are relevant to determination of the application. The issue of abandonment has been referred to by both parties. The residential use of the plot has not been abandoned. But there does not exist on site a dwellinghouse to sustain the residential use.

7. Permitted development rights under Class B of Part 1 and Class A of Part 14 of Schedule 2 of the GPDO are for works to a dwellinghouse. There is no dwellinghouse on the land which can benefit from these permitted development rights. In these circumstances an LDC cannot be granted.

8. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for 'rear roof extension with hip to gable conversion and PV sited on top, and rear fenestration changes' at 27 Riverdale Rd, Hanworth 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