



Appeal Decision

Site visit made on 7 October 2025

by **Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/B1930/X/23/3322043

15 Partridge Road, St Albans, Hertfordshire AL3 6HH

- 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 & Mrs H & A Miah & Begum against the decision of St Albans City Council.
 - The application ref 5/22/1759, dated 11 July 2022, was refused by notice dated 17 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 a certificate of lawful use or development is sought is described as 'Installation of steel railings around an existing rear roof terrace'.
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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 existing operation which is found to be lawful.

Main Issue

2. The main issue is whether the Council's decision to refuse to issue a certificate was well founded. This turns on whether, on the date of the application, the development was permitted by Class C of Part 1 of Schedule 2 to *The Town and Country Planning (General Permitted Development) (England) Order 2015* (as amended).

Reasons

3. The development involves the construction of steel railings around the perimeter of a flat roofed extension to the rear of the house. The Council assessed the development against Class A of Part 1, which concerns the enlargement, improvement or other alteration of a dwellinghouse. However, there is no claim from the appellant that it complies with Class A. The fact that the Council has assessed the development against Class A does not mean that it cannot be considered against other classes. Consequently, I focus below on Class C, which is the class the appellant cites.
4. Class C¹ is concerned with 'Any other alteration to the roof of a dwellinghouse'. The context for that is that Class B permits, subject to various limitations 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof'. The two classes are mutually exclusive. Thus, as explained within *Permitted development rights for householders Technical Guidance*, developments falling within Class C will not involve any enlargement of the house. Whether or not there is such an enlargement in this case is central to my decision.

¹ In substance, Class C is unchanged since the date of the application

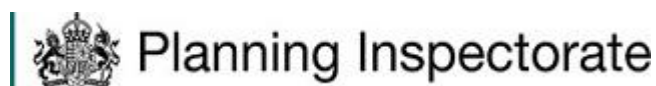
5. I have been referred to two decisions of the High Court - *R (oao Cousins) v Camden LBC [2002] EWHC 324 (Admin)* and *Richmond-upon-Thames LBC v SSE & Neale [1991] JPL 948*. It is plain from the judgements that additions such as railings are, in principle, capable of amounting to an alteration to the roof falling within Class C. Here, the railings are attached to the roof and amount to an alteration to it. The judgements establish that whether or not there is an enlargement of a dwellinghouse in a case such as this (and therefore whether Class B or Class C applies) depends on whether the house appears larger to those outside it looking at it. The answer to that question in any given case will be a matter of fact and degree for the decision maker.
6. The railings in this case are a fairly substantial structure of horizontally-laid steel 'planks' attached to upright posts. The planks are much wider than the gaps between them. Nevertheless, it is clear, both in close views and from external viewpoints, that it is not a completely solid structure, with the wall of the house being clearly visible through it in views from the rear garden. Moreover, the contrast with the masonry of the house means that it is obvious that they are railings and not part of the walls. As a consequence, they do not create the impression of a larger house. Accordingly, they fall to be considered against Class C rather than Class B.
7. The Council makes the point that the development is not within the roof space of the original dwellinghouse. However, Class C is concerned with 'any other alteration to the roof of a dwellinghouse' and is not dependent on the development being within the roof space of the original dwellinghouse. I have noted the appeal decisions to which the appellant refers, but my decision is based on the specifics of the particular development before me.
8. Class C is subject to certain limitations set out at C.1, but it is common ground that the development does not conflict with those, a view I share. Neither of the conditions at C.2 are relevant. Thus, I conclude that this is development permitted by Class C.

Conclusion

9. For the reasons given above, I conclude that the Council's refusal to grant a certificate is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended) and issue the certificate applied for.

Peter Willows

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 11 July 2022 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, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development amounts to 'Any other alteration to the roof of a dwellinghouse' and would have been development permitted under the provisions of Article 3(1) and Class C of Part 1 of Schedule 2 to *The Town and Country Planning (General Permitted Development) (England) Order 2015* (as amended).

Signed

Peter Willows

Inspector

Date: 28 November 2025

Reference: APP/B1930/X/23/3322043

First Schedule

Installation of steel railings around an existing rear roof terrace

Second Schedule

Land at 15 Partridge Road, St Albans AL3 6HH

IMPORTANT NOTES – SEE OVER

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: 28 November 2025

by Peter Willows

Land at: 15 Partridge Road, St Albans AL3 6HH

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Scale: Not to Scale

