



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/M5450/X/24/3352973

75 Pinner Park Avenue, Harrow HA2 6JY

- 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 Kethees Pakirathan against the decision of the Council of the London Borough of Harrow.
 - The application ref PL/1842/24, dated 5 July 2024, was refused by notice dated 26 September 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 hip to gable loft conversion with rear dormer extension and four rooflights to front.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed development which is found to be lawful.

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. 75 Pinner Park Avenue is a two-storey semi-detached dwelling. The roof over the dwelling is hipped. The proposed development is, principally, the conversion of the roof over the main part of the dwelling from a hip to a gable and the introduction of a rear dormer. The enlargement of a dwellinghouse consisting of an addition or alteration of its roof is development permitted under Class B of Part 1 of Schedule 2 of the GPDO subject to conditions. Condition B.1(d)(ii) states that development is not permitted by Class B if the cubic content of the resulting roof space would exceed the cubic content of the original roof space, in this case, by more than 50 cubic metres.
4. The main parties disagree on the cubic content of the proposed development. The Appellant calculates the content to be 48.7 cubic metres and the Council calculates the content to be 53.25 cubic metres. The calculations differ because the Council has included roof overhangs. The interpretation of Class B set out in the GPDO states that for the purposes of paragraph B.2(b)(ii) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement (B.2(b)(ii) is an error and should be B.2(d)(ii)). Roof overhangs are not to be considered part of the proposed development.

5. There is no reason to doubt the Appellant's calculations which do not take into account the roof overhangs. The proposed development would therefore be, overall, development permitted under Class B of Part 1 of Schedule 2 of the GPDO.

6. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for hip to gable loft conversion with rear dormer extension and four rooflights to front at 75 Pinner Park Avenue, Harrow was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

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 5 July 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black 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 operations are development permitted under Class B of Part 1 of Schedule 2 of the GPDO.

Signed

John Braithwaite

Inspector

Date: 03 December 2025

Reference: APP/M5450/X/24/3352973

First Schedule

Hip to gable loft conversion with rear dormer extension and four rooflights to front

Second Schedule

Land at 75 Pinner Park Avenue, Harrow HA2 6JY

IMPORTANT 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 operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any 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: 03 December 2025

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Land at: 75 Pinner Park Avenue, Harrow HA2 6JY

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Scale: Not to Scale

