



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/T3725/X/24/3353388

9 St Andrews Road, Lillington, Leamington Spa CV32 7EU

- 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 Tom Hopes against the decision of Warwick District Council.
 - The application ref W/24/0499, dated 12 April 2024, was refused by notice dated 25 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 alteration to an existing roof by creating a hip to gable conversion and dormer and alteration to existing garage front elevation to change the material to timber cladding.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed operations which are 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. 9 St Andrews Road is a two-storey semi-detached dwelling with a hipped roof. The proposed alterations to the roof of the dwellinghouse fall to be considered under the provisions of Class B of Part 1 of Schedule 2 of the GPDO. Class B states that the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development subject to conditions. The Council has no concerns other than with regard to the materials of the proposed dormer. In this regard, the Council claims that the proposed alteration does not comply with condition B.2(a) which requires that the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
4. The Council has not provided an appeal statement and therefore relies on a Delegated Decision. The Decision refers to the wording of condition B.2(a) and to part of the guidance on the condition in the Government's Technical Guidance to the GPDO. The guidance refers specifically to dormer windows and the complete guidance is "the face and sides of a dormer window should be finished using materials that give a similar visual appearance to (the) existing house. So the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level".

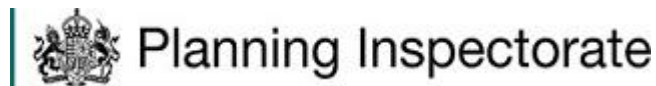
5. The drawings of the proposed alterations indicate that the vertical sides of the dormer would be 'red/grey smooth render to match existing roof tiles colour and texture when viewed from ground level'. So the material would be a similar colour to the existing tiles but would be smooth render rather than tiles. The guidance is that the proposed material should 'appear' to be of similar design when viewed from ground level. This is a partly subjective judgement because distance is involved in assessing whether the material would be of similar design. The only difference between the existing tiles and the proposed render is that the tiles are ridged and the render would be smooth. From ground level this difference would not be significantly apparent and there is no reason to conclude that, as a matter of planning judgement, the sides of the proposed dormer would not be of similar colour and design to the materials used on the main roof of the house.

6. The proposed enlargement of the dwellinghouse complies with the conditions of Class B and the proposed alterations and additions to the dwellinghouse would be development permitted under the provisions of Class B of Part 1 of Schedule 2 of the GPDO. The proposed alterations to the existing garage are uncontentious.

7. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for alteration to an existing roof by creating a hip to gable conversion and dormer and alteration to existing garage front elevation to change the material to timber cladding at 9 St Andrews Road, Lillington, Leamington Spa 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 12 April 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 proposed works are development permitted under the provisions of Part 1 of Schedule 2 of the GPDO

Signed

John Braithwaite

Inspector

Date: 05 December 2025

Reference: APP/T3725/X/24/3353388

First Schedule

Alteration to an existing roof by creating a hip to gable conversion and dormer and alteration to existing garage front elevation to change the material to timber cladding

Second Schedule

Land at 9 St Andrews Road, Lillington, Leamington Spa CV32 7EU

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: 05 December 2025

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Land at 9 St Andrews Road, Lillington, Leamington Spa CV32 7EU

Reference: APP/T3725/X/24/3353388

Scale: Not to Scale

