



Appeal Decision

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

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/T5720/X/24/3353624

17 Ravensbury Avenue, Morden SM4 6ET

- 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 Abdus Subhan against the decision of the Council of the London Borough of Merton.
 - The application ref 24/P1972, dated 15 July 2024, was refused by notice dated 29 July 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 proposed side and rear dormer for loft conversion.
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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. 17 Ravensbury Avenue is a detached bungalow with a hipped roof. On 2 December 2022 LDC 22/P0725 was granted for 'Proposed erection of 2 x side and 1 x rear dormer roof extensions'. Implementation of the LDC proposals commenced but were halted because it was found that the internal ceiling height of the first floor would not satisfy the Building Regulations. The application that is the subject of this appeal was then submitted to the Council with the expectation that if granted and implemented the first floor ceiling height of the new proposals would satisfy the Building Regulations.
4. The proposed development falls to be considered, principally, under Class B of Part 1 of Schedule 2 of the GPDO. Under Class B the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development subject to limitations and conditions. The Council has not found that the proposed development does not satisfy the limitations and conditions of Class B, other than condition B.2(a), and considers that "The proposal would result in the construction of a new roof. As such, the proposal cannot be described as an alteration or addition to the roof".
5. The Council's reason for refusal on this matter states that "...the proposed roof results in works that amount to demolition and re-construction, as such it does not meet criteria laid down in the ..." GPDO. The GPDO does not set out criteria that need to be met and neither the GPDO nor the Technical Guidance to the GPDO prescribes the

extent of works beyond which a proposed addition or alteration to the roof of a dwellinghouse would not be permitted under Class B. This is because roof structures vary immensely and it must therefore be a matter of fact and degree in any case whether the works would be permitted under Class B. This approach accords with Counsel's advice in another case which has been referred to by the Council.

6. In this case the dwellinghouse had a wholly hipped roof; hipped roofs are more complex than gable roofs. The roof has been substantially altered for the previous scheme and though it would be further altered to accommodate the now proposed development it would not be wholly removed; the front roof slope jack rafters and two hip rafters, at least, would not be removed in either scheme. Photographs in the Appellant's appeal statement show that they remain in place and they would not be removed to accommodate the proposed dormer.

7. The proposed development would not require the construction of a new roof and, as a matter of fact and degree and as a matter of planning judgement, the proposed development would constitute an alteration to the roof of the dwellinghouse.

8. Condition B.2(a) 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. An elevation drawing submitted with the application clearly states that 'proposed materials used in any exterior work would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse'. The proposed development would comply with condition B.2(a) and would be development permitted under Class B of Part 1 of Schedule 2 of the GPDO.

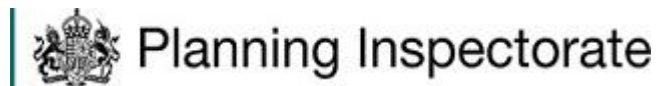
9. The proposed development includes the installation of three rooflights; one on the front roof slope and one on each of the side roof slopes. These works fall to be considered under Class C of Part 1 of Schedule 2 of the GPDO. Under Class C any other alteration to the roof of a dwellinghouse is permitted development subject to limitations. Limitation C.1(b) requires that the alteration would not protrude more than 0.15 metres beyond the plane of the roof. The proposed rooflights would be over an en-suite, a staircase and a study area. There is no reason for the rooflights to be anything other than of a standard type and any standard rooflight would not protrude more than 0.15 metres beyond the plane of the roof. The rooflights would comply with limitation C.1(b) and would be development permitted under Class C of Part 1 of Schedule 2 of the GPDO.

10. The proposed development would be development permitted under Classes B and C of Part 1 of Schedule 2 of the GPDO.

11. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for proposed side and rear dormer for loft conversion at 17 Ravensbury Avenue, Morden 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 15 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 proposed works are development permitted under Classes B and C of Part 1 of Schedule 2 of the GPDO.

Signed

John Braithwaite

Inspector

Date: 08 December 2025

Reference: APP/T5720/X/24/3353624

First Schedule

Proposed side and rear dormer for loft conversion

Second Schedule

Land at 17 Ravensbury Avenue, Morden SM4 6ET

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: 08 December 2025

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Land at: 17 Ravensbury Avenue, Morden SM4 6ET

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Scale: Not to Scale

