



Appeal Decision

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/M5450/X/24/3346927

16 The Glen, Rayners Lane, Harrow, HA5 5AY

- 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 Amit Kumar against the decision of the Council of the London Borough of Harrow.
 - The application ref PL/0291/24, was refused by notice dated 14 May 2024.
 - The application was made under section 192(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 loft conversion with hip to gable and dormer along with a ground floor rear single storey extension.
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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 proposed operations which are found to be lawful.

Preliminary Matters

2. The appellant has confirmed that the development has been fully constructed since submission of the appeal. Nevertheless, I am still able to consider the LDC application under s192(1) of the 1990 Act because the determination is to be made as to whether the proposed development would have been lawful at the time of the application. To that end, the onus of proof lies with the appellant to make his case on the balance of probabilities.

Main Issue

3. The main issue is whether the Council's decision to refuse to issue a LDC was well-founded. That turns on whether the proposed operations would be permitted development under the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO).

Reasons

4. Article 3 and Schedule 2, Part 1, Class A of the GPDO grant planning permission for the enlargement, improvement or other alteration of a dwellinghouse - subject to limitations and conditions.
5. The limitation in dispute is A.1(d), that "the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse". The Council's view is that the proposed rear extension would have an eaves height that is higher than the eaves of the existing dwellinghouse, thereby failing to meet that limitation.
6. The appellant's position is that the Council has measured the eaves height incorrectly and in support of his case refers to the Government's Technical

Guidance¹ for householder permitted development rights. For the purpose of measuring height, that states that the eaves of a house are the point where the lowest point of a roof slope, or a flat roof, meets the outside wall. In that regard the appellant states that the proposed rear elevation plans show the extension to have a flat roof with a slope towards the rear. The rear of the extension will therefore be the lowest point of the roof.

7. Whilst the side elevation plans show the fascia to the rear extension to be clearly above the fascia of the existing dwelling, the Technical Guidance explains that "the height of the eaves will be measured from the ground level at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height."
8. Based on the submitted plans, projecting a vertical line from the base of the external wall of the existing dwelling to the point where it would meet the upper surface of the main roof slope, gives an eaves height which is higher than the existing fascia level shown on the side elevations.
9. Again, based on the submitted plans, that eaves height is also more likely than not to be higher than the upper surface of the roof of the rear part of the proposed rear extension, when measured from the point where it would meet a projected line from the base of the external wall.
10. Therefore, on the balance of probabilities, limitation A.1(d) would not be breached. The Council's position is that all other Class A limitations would be met, and I find no reason to take a contrary position.
11. The Council also takes the view that the proposal would meet the limitations of Class B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and Class C (any other alteration to the roof of a dwellinghouse). Again, I find no reason to take a contrary position.
12. I therefore find that the loft conversion with hip to gable and dormer along with a ground floor rear single storey extension, as shown on the drawings submitted with the application, would have been granted planning permission by Article 3 and Classes A, B and C of the GPDO, subject to the conditions set out under paragraphs A.3, B.2 and C.2.
13. Those include, having regard to the neighbouring representation, that any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

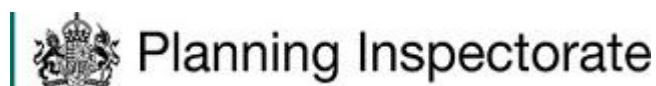
¹ Permitted development rights for householders – Technical Guidance – September 2019 - Ministry of Housing, Communities & Local Government

Conclusion

14. For the reasons given above I conclude that the Council's refusal to grant a LDC is not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Richard S Jones

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(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 6 February 2024, the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed loft conversion with hip to gable and dormer along with a ground floor rear single storey extension, as shown on drawing numbers LP188 (floor layouts and elevations existing), LP188 (floor layouts and elevations proposed) and LP188 (elevations proposed and cross sections), accompanying the application, would have been granted planning permission by Article 3 and Classes A, B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Signed

Richard S Jones

INSPECTOR

Date: **[18 December 2025]**

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First Schedule

Loft conversion with hip to gable and dormer along with a ground floor rear single storey extension.

Second Schedule

16 The Glen, Rayners Lane, Harrow, HA5 5AY

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 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 would have been 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.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: [\[18 December 2025\]](#)

by **Richard S Jones**

Land at: 16 The Glen, Pinner, HA5 5AY

Reference: APP/M5450/X/24/3346927

Scale: Not to Scale

16. The Glen, Rayners Lane, Harrow, HA5 5AY

