



Appeal Decision

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2026

Appeal Ref: APP/Z4310/X/25/3375189

52 Beechfield Road, Liverpool, Merseyside L18 3EH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Amy Chadwick against the decision of Liverpool City Council.
 - The application ref 25LE/1807, dated 1 July 2025, was refused by notice dated 26 August 2025.
 - The application was made under section 191(1)(b) of the Act.
 - The development for which a certificate of lawful use or development is sought is development falls within permitted development rights. Hip to gable loft conversion including addition of rear dormer. Use - dwellinghouse.
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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 hip-to-gable loft conversion, including addition of rear dormer, which is found to be lawful.

Preliminary Matters

2. An LDC is not an application for planning permission. Its purpose is to enable the appellant and others to ascertain whether specific operations or activities would be lawful. The burden of proof is upon the appellant. The test of the evidence is one of balance of probability. The appeal concerns only the lawfulness of the matter for which the LDC is sought, not its planning merits. The decision is based on the facts of the case and on relevant planning law and judicial authority.
3. An application under S191(1)(b) of the Act seeks to establish whether any operations which have been carried out in, on, over or under land are lawful. S191(2)(a) confirms that a use is lawful at any time if no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason) and they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
4. S191(4) of the Act sets out that if, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect.

Main Issue

5. The main issue is whether the Council's decision to refuse the application was well founded. This turns on whether the appellant can show, on the balance of probability, that the hip-to-gable conversion and the rear dormer would fall within Schedule 2, Part 1, Classes B and C of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO).

Reasons

6. The appeal property is a two-storey semi-detached dwelling with a garage conversion and a ground floor rear extension.
7. Class B of the GPOD permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This is subject to several criteria and conditions. The parties' dispute relates to paragraph B.1(d)(ii) and paragraph B.2(a) of Class B. This says 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 by more than 50 cubic metres.
8. Paragraph B.4 clarifies that for the purposes of paragraph B.2(b)(ii)(a) 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. The Council's volume calculations when it determined the LDC included these aspects of the development. Therefore, I am satisfied that the appellant's calculations reflect the approach to be taken when working out the cubic content of the resulting roof space. On this basis, the hip-to-gable conversion and the rear dormer extension accord with paragraph B.1(d)(ii).
9. However, it is a condition of Class B set out in paragraph B.2(a) that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
10. 'Existing' means a building as it existed immediately before the permitted development is undertaken in the Permitted development rights for householders Technical Guidance (the Guidance). The Guidance explains that the intention behind this condition is to ensure any addition or alteration to a roof minimises visual impact and is sympathetic to the existing house. Therefore, the materials used should have a similar visual appearance to the existing house, but they do not need to be the same materials or match exactly. The visual impact of the materials used is the most important consideration.
11. The Council say that the materials used for the development differ from those used immediately before the development took place. They refer to a street view image to support that proposition, but the image was not submitted by the Council, and there are no images of the appeal property before the works took place before me. The onus lies with the appellant in an LDC to make out their case to the standard of the balance of probabilities. This means that if there is no evidence to contradict the appellant's version of events or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.
12. The appellant says that the last street view image is dated July 2022, which is nearly three years prior to the declaration made on the LDC application form that the works were substantially completed on 2 June 2025. The street view image was a considerable time before and not immediately prior to the development taking place. Changes to the dwelling could have taken place in between time, albeit there is no confirmation from the appellant that any did or the extent or nature of them.
13. Based on the descriptions found on the existing and proposed plans and the photographs of the extended dwelling, the concrete roof tiles and white pebbledash render are of a similar appearance to those used in the construction of

the exterior of the existing dwellinghouse. As the materials used for the exterior of the hip-to-gable extension and the dormer extension have a similar appearance to the concrete roof tile, they also have a similar appearance to those used in the exterior of the existing dwellinghouse. In reaching this view, I have applied the terminology of the condition which does not require the gable extension to have a similar appearance to the wall beneath the new roof form. Further, even if the materials are of a different colour, they still have a similar appearance in terms of their texture and type of material used. Therefore, the scheme accords with paragraph B.2(a).

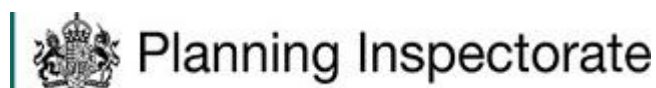
14. Class C of the GPDO permits any other alteration to the roof of a dwellinghouse subject to the listed criteria and conditions. Two roof lights lie within the property's front roof plane. The Council were of the view that they were unable to determine if the rooflights were permitted development due to lack of information on drawings. However, the Council now accepts, based on the appellant's photographs, that the roof lights do not protrude more than 0.15 metres beyond the plane of the slope of the original roof. As such, they accord with Class C of the GPDO.

Conclusion

15. For these reasons, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for the hip-to-gable loft conversion including addition of rear dormer, 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 Act.

Andrew McGlone

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 1 July 2025 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 proposed operations would constitute permitted development within the terms of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Signed

Andrew McGlone

Inspector

Date: 23 March 2026

Reference: APP/Z4310/X/25/3375189

First Schedule

Hip to gable loft conversion including addition of rear dormer.

Second Schedule

Land at 52 Beechfield Road, Liverpool, Merseyside L18 3EH

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Act.

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 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

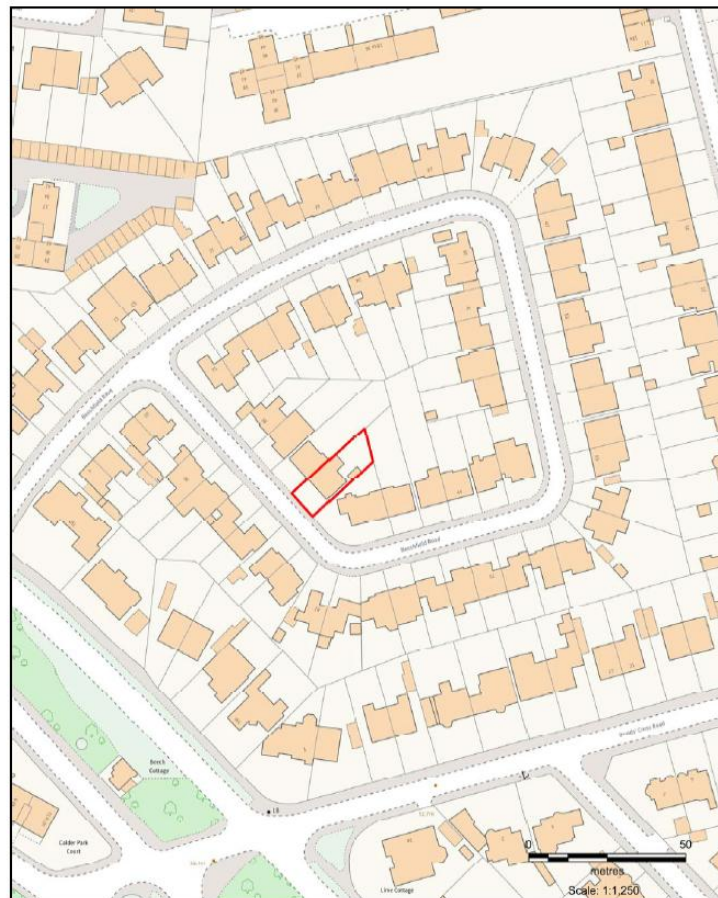
This is the plan referred to in the Lawful Development Certificate dated: 23 March 2026.

by **Andrew McGlone**

Land at: 52 Beechfield Road, Liverpool, Merseyside L18 3EH

Reference: APP/Z4310/X/25/3375189

Scale: Not to Scale



DRAWING TITLE:
LOCATION PLAN
SHOWING 52
BEECHFIELD ROAD
LIVERPOOL



NORTH

SCALE = 1:1,250 @ A4