



Appeal Decision

Site visit made on 24 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Appeal Ref: APP/M5450/X/24/3345051

1 Christchurch Avenue, Harrow, Kenton, HA3 8ND

- 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. Amin Noori against the decision of the Council of the London Borough of Harrow.
 - The application ref PL/0185/24, dated 25 January 2024, was refused by notice dated 21 March 2024.
 - The application was made under 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 including hip to gable roof, rear dormer window, insertion of three roof lights and associated internal alteration.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr. Amin Noori against the Council of the London Borough of Harrow. That application is the subject of a separate decision.

Preliminary Matters

3. The parties were advised that I was to conduct a site visit on 24 February 2026. However, the appellant was not in attendance to provide access. Nevertheless, I am satisfied that I was able to see the relevant parts of the appeal site from the public realm without entering the site. I therefore confirmed to the parties that I would determine the appeal on the basis of an unaccompanied site visit, unless either party requested otherwise. No response was received.
4. By the time of my site visit, I could see that the roof of the dwellinghouse had already been enlarged. Nevertheless, I am still able to consider the appeal under s192(1) of the 1990 Act because the determination is to be made as to whether the proposed development, as shown on the submitted plans, 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

5. 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) (England) Order 2015 as amended (the GPDO).

Reasons

6. The appeal relates to a two storey, semi-detached dwellinghouse. The LDC sought is for a loft conversion, including hip to gable roof, rear dormer window, insertion of three roof lights and associated internal alterations.
7. Article 3 and Schedule 2, Part 1, Class B of the GPDO grant planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to limitations and conditions. Class C provides permitted development rights for any other alteration to the roof of a dwellinghouse, again subject to limitations and conditions.
8. The Council's report confirms that it finds no conflict with the Class B limitations set out in paragraph B.1, or the Class C limitations and conditions set out in paragraphs C.1 and C.2. I see no reason to differ on those findings.
9. The issue in dispute relates to condition B.2(a), which stipulates that development is permitted by Class B, subject to the materials used in any exterior work being of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
10. The Government's Technical Guidance¹ for householder permitted development rights explains that this "*condition is intended to ensure that any addition or alteration to a roof for a loft conversion results in an appearance that minimises visual impact and is sympathetic to the existing house. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials or match exactly. The visual impacts of the materials used will [be] the most important consideration.*"
11. One of the examples given in the Technical Guidance is that "*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.*"
12. That approach would clearly be appropriate if the dormer was to be set in from the side of the roof, thereby separating and distinguishing the side of the dormer from the main side elevation. However, that is not what is proposed. Rather, it is proposed that one side of the dormer extension would be flush with the side of the hip to gable extension, thereby forming part of the main side wall, such that its profile would form part of an enlarged gable elevation. The plans show that the materials would match the existing.
13. In those circumstances utilising materials to match those used in the construction of the exterior of the flank gable elevation of the existing dwellinghouse, in which the side profile of the dormer would be viewed from ground level public realm, would have an acceptable visual impact, thereby complying with condition B.2(a).
14. However, as shown by the appellant's photographs, those contextual considerations do not apply to the face of the dormer, or to the opposite western side of it, which when viewed from ground level are likely to be primarily seen

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

against the materials used in the main roof of the appeal site dwelling and that of the adjoining property.

15. The plans show that all of the opposite western side of the dormer and a significant extent of its face would be solid wall. Although annotated as using materials to match the existing, they are detailed in the same manner as the main, side flanking elevation, rather than the main roof covering, which is depicted above the dormer and for the front elevation with parallel lines.
16. Therefore, in the absence of an explanation to the contrary, the plans appear to show that the western side and facing elevation of the dormer would be finished in the same materials as the eastern side of the dormer (gable end) and the main walls of the dwellinghouse, rather than materials which are similar to the roof, thereby failing to comply with condition B.2(a).
17. The Council has referred to three appeal decisions², which purportedly support its position that the dormer needs to be of a similar appearance to the main roof as viewed from ground level. However, I have not been provided with details of those proposals to compare with that which is before me, particularly in terms of whether those dormers were set in from their respective side elevations.
18. The appellant has also referred me to an appeal decision which he says concerns the same type of development³. However, that decision is focused on condition B.2(c) relating to windows, so doesn't specifically address external materials. I appreciate that the LDC was granted but I have not been provided with the plans or details to show how the face and opposite side of the dormer have been finished.
19. Having regard to the above, the appellant has not demonstrated that the proposed development would comply with condition B.2.(a), so as to constitute permitted development under Schedule 2, Part 1, Class B of the GPDO.

Conclusion

20. For the reasons given above, I conclude that the Council's refusal to grant an LDC was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act, as amended.

Richard S Jones

INSPECTOR

² Appeal Refs: APP/Q1445/X/16/3157376; APP/W5780/X/15/3134785; and APP/A4710/X/14/2222110

³ Appeal Ref: APP/R5510/X/12/2181858