
Appeal Decision

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2026

Appeal Ref: APP/W2465/X/25/3361249

20 Ratcliffe Road, Leicester, LE2 3TB

- 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.
 - The appeal is made by Mr Hugh Alexander of Alexander & Thomas against the decision of Leicester City Council.
 - The application ref 20241748, dated 30 September 2024, was refused by notice dated 25 November 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 described on the application form as 'single storey rear 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 operation which is found to be lawful.

Preliminary Matters

2. For the purposes of obtaining a certificate of lawful use or development (LDC) the burden of proof lies with the appellant, and the standard of proof is the balance of probabilities. The planning merits of the case are not relevant.
3. No site visit was necessary in this case as the appeal can be determined based on the submitted evidence. Neither party has been prejudiced by this approach.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant a LDC was well-founded, having particular regard to whether the proposed development constitutes permitted development.

Reasons

5. The appeal site is a detached dwelling which was granted planning permission in 2000 under application ref. 2001241. It was subsequently extended following the approval of application ref. 20220691 in 2022.
6. Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) concerns the enlargement, improvement or other alteration of a dwellinghouse. The proposed development is a single storey rear extension. It does not involve a roof enlargement under Class B of the GPDO, as suggested by the Council, as it would be enclosed by new external walls with its own roof structure and would not enlarge, alter or protrude from the existing roof. The proposal falls squarely within

Class A, and I have determined the appeal accordingly. Planning permission is granted by Class A subject to certain limitations and conditions.

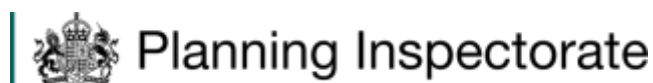
7. It is common ground between the parties that the extension would not exceed the size limitations at sub paragraph A.1, and I have no reason to find otherwise based on the evidence before me. The Council, however, considers that the proposal is contrary to the limitation at A.1(f) because the highest part of the extension would extend above the roof of the original rear wall and therefore not extend beyond that wall.
8. The Technical Guidance: Permitted development rights for householders, September 2019 (the guidance) explains that the rear wall or walls of a house will be those which are directly opposite the front of the house. In this case, the original rear wall is to the south elevation of the building and is stepped with each of these walls forming the rear wall of the original dwellinghouse. The proposed extension would project beyond the rear wall of the dwellinghouse.
9. A.1(f) of Class A states that development is not permitted if, subject to A.1(g), the enlarged part of the dwellinghouse would have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres for a detached dwellinghouse, as is the case here, or (ii) exceed 4 metres in height. The proposed extension would have a single storey and would not extend beyond the rear wall of the original dwelling by more than 4 metres or exceed 4 metres in height.
10. While the highest part of the extension would project above the roof of the original rear wall, A.1(f) does not say that any part of the development should not be higher than the rear wall of the original dwelling house or intersect the roof slope. Nor does it say that any part not horizontally aligned with the original rear wall should not be permitted. The proposed extension therefore complies with the limitations at A.1(f)(i) and (ii).
11. I conclude that, on the balance of probability, the proposed extension complies with sub paragraph A.1(f), and the other criteria under Class A of the GPDO. The proposal would therefore be permitted development.

Conclusion

12. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed single storey rear extension was 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.

M Ollerenshaw

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 30 September 2024 the operation 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, 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 single storey rear extension would have been permitted development under Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

M Ollerenshaw

INSPECTOR

Date: 14th April 2026

Reference: APP/W2465/X/25/3361249

First Schedule

Single storey rear extension

Second Schedule

Land at 20 Ratcliffe Road, Leicester, LE2 3TB

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 this decision dated: 14th April 2026

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Scale: Not to Scale

