



Appeal Decision

Site Visit Made on 22 April 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2026

APP/K0235/X/24/3356150

242 High Street, Clapham, Bedfordshire MK41 6BS

- 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 & Mrs W & P Summer against the decision of Bedford Borough Council.
 - The application ref 24/01771/LDP, dated 09 September 2024, was refused by notice dated 01 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 loft conversion, including hip to gable to side and rear dormer, single storey rear extension and porch roof to front.
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Decision

1. The appeal is dismissed.

Main Issue

2. As with any appeal relating to a Certificate of Lawfulness for a Proposed Development (CLOPUD), the planning merits of the proposal are not relevant to my decision. The main issue is whether the Council's decision to refuse the application was well-founded based on relevant facts and judicial authority. The onus rests with an appellant to make their case, on the balance of probability. Accordingly, my decision makes has no bearing on any decision should a planning application be submitted to the Council.
3. The development proposed in the application is described in the banner heading above. The Council was satisfied that the loft conversion, hip to gable roof extension, rear dormer and porch roof to the front would have amounted to permitted development under the terms of the relevant sections of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
4. I have no reason to take a different view in respect of those matters and I noticed that roof extensions have been undertaken in the intervening period between the application being determined and the time of my site visit. The specific matter in dispute is whether the single storey rear extension would comply with the limitations of paragraph A.1(j)(iii) of Class A, Part 1, Schedule 2 of the GPDO.
5. In particular, the matter in dispute is whether the existing small rear projection should be considered as forming part of the 'original dwellinghouse' for the purposes of the GPDO. If it does, the Government's Technical Guidance¹ explains that a wall forming a side elevation of a house will be any wall that cannot be

¹ Permitted development rights for householders, Technical Guidance, September 2019

identified as being a front wall or a rear wall. In other words, the side wall of the small rear extension would amount to a side wall of the original dwellinghouse, the proposed extension would project beyond it and be more than half the width of the original dwellinghouse. In those circumstances it would not conform to paragraph A.1(j)(iii) and would not amount to permitted development.

6. It does not matter, for the purposes of interpreting paragraph A.1(j)(iii) that the rear projection would be demolished as part of the works. The paragraph is deliberately written to the effect that the original dwellinghouse is the basis against which a proposal is considered. Thus, if the rear projection forms part of the original dwellinghouse its side wall would amount to a side wall of the original dwelling and the proposal would extend beyond it.
7. However, if the rear projection does not form part of the original dwellinghouse, then its side wall would not amount to a side elevation of the original dwellinghouse and the limitation set out in paragraph A.1(j)(iii) would not apply. In those circumstances, the proposal would be a rear extension which would conform to the other limitations of Class A and amount to permitted development.
8. The term 'original' is defined within Article 2 of the GPDO. That is "*In relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date*". In relation to a building constructed after that date then the definition is "*as so built*". The dwelling in question was clearly constructed as a Council house and its design is typical of the many thousands of such houses constructed prior to the Second World War, most likely in the 1930s, as agreed by the parties.
9. No definitive evidence is available as to whether the rear projection was part of the building as constructed or as it stood on 01 July 1948. However, the Council has referred to a 1968 Ordnance Survey based map which appears to be an old "plotting sheet" onto which planning applications were marked for record keeping in the pre-digital age. The fact that identical rear projections are shown on the appeal property and the attached "mirrored" semi-detached dwelling is indicative that the feature formed part of the original design.
10. Moreover, such projections are extremely common on Council houses of that era, containing space for a coal shed or maybe an outside toilet in some circumstances. For those reasons it seems highly likely to me that the projection was part of the original dwellinghouse.
11. The fact that there was no connecting doorway into the dwelling does not discount the structure from forming part of the original dwellinghouse. The definition at Article 2 of the GPDO does not require such a connection. Even if used for a utilitarian function it formed part of the "building" as constructed and existing on 01 July 1948, on the balance of probability.
12. For those reasons, I find that the existing rear projection forms part of the original dwellinghouse. It follows that the proposed rear extension would project beyond the side wall of that extension and would occupy the full width of the dwelling. It would not conform to paragraph A.1(j)(iii) of Class A, Part 1, Schedule 2 of the GPDO and would not amount to permitted development.
13. It would not benefit from planning permission granted by the GPDO. In the absence of any planning permission granted by the Council, the development

would not be lawful. It follows that the Council's decision to refuse to grant a CLOPUD was well-founded. I shall dismiss the appeal and exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Chris Preston

INSPECTOR