
Appeal Decision

Site visit made on 23 April 2026

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2026

Appeal Ref: APP/E5330/X/25/3362802

245 Court Road, Greenwich, Eltham SE9 4TQ

- 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 Bobby Manoo against the decision of Royal Borough of Greenwich.
 - The application ref 24/1348/CP, dated 24 April 2024, was refused by notice dated 20 June 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 proposed loft conversion designed to meet permitted development requirements.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Royal Borough of Greenwich against Mr Bobby Manoo. This application is the subject of a separate Decision.

Reasons

3. Uses and operations are lawful at any time if no enforcement action may be taken in respect of them, whether because they did not involve development, require planning permission or because the time for enforcement action has expired (s191(2) of the 1990 Act).
4. There is a further proviso that the development must not contravene the requirements of any enforcement notice then in force. I have not been told that there was any extant enforcement notice relating to the property at the time of this application.
5. In this case the appellant is relying on the argument that the proposed development would not require planning permission.
6. Article 3, Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) is concerned with the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Such operations can amount to permitted development, and thus not require express planning permission. However, paragraph B.1. sets out various limitations, beyond which development is not permitted by Class B. These include at paragraph B.1.(c) where any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

7. I have had regard to the Government's technical guidance on permitted development rights¹. This states that in most cases the 'principal elevation' will be that part of the house which fronts the main highway serving the house. However, it advises that the principal elevation could include more than one roof slope facing in the same direction - for example, where there is an 'L' shaped frontage. In such cases, all such roof slopes will form the principal elevation and the line for determining what constitutes 'extends beyond the plane of any existing roof slope' will follow these slopes.
8. In this case the appeal property is a two-storey semi-detached dwelling, which has an existing off-shoot extension to the side at first floor level. The front elevation of this side extension is significantly set back from the front elevation of the main dwelling, which thus results in the dwelling having an L-shaped frontage. Accordingly, the forward-facing hipped roof slope over the side extension is also significantly set back from the forward-facing hipped roof slope over the main dwelling. Nevertheless, in accordance with the above limitations and guidance, both constitute the plane of an existing roof slope which forms the principal elevation of the dwellinghouse fronting the Court Road highway.
9. The proposed extension for which an LDC is sought in this case, comprises a loft conversion. It is clear from the evidence before me that this would involve a hip to gable extension to the side elevation of the main house, together with a dormer extension to the rear. It is also proposed to replace the hipped roof over the existing side extension with a flat roof.
10. I am in no doubt that, notwithstanding the proposed alterations to the existing side extension roof and to the overall volume of the roof, having regard to the above guidance, the proposed loft conversion would result in an extension beyond the plane of an **existing** roof slope (over the side extension) which forms part of the principal elevation of the dwelling [my emphasis]. It therefore follows that the proposed loft conversion would not amount to 'permitted development' under the GPDO.
11. The appellant has referred to several examples of domestic roof alterations, in other Council areas, that were found to be permitted development. However, from the information provided, it is not clear to me that those cases involved an extension beyond an existing principal elevation roof slope. In any event, I am required to determine the present case in accordance with the law as it currently stands, having regard to any relevant guidance to assist interpretation.
12. The appellant also suggests that the proposed development could be permitted development under Schedule 2, Part 1, Class C of the GPDO. However, Class C is specifically concerned with 'any **other** alteration to the roof of a dwellinghouse' [my emphasis]. Therefore, because Class B is concerned with the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, Class C will not involve any enlargement of the house. It follows that the proposed loft conversion in this case, which would involve such enlargement, could not be considered under Class C.

¹ Permitted development rights for householders Technical Guidance – MHCLG September 2019.

Conclusion

13. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for proposed loft conversion designed to meet permitted development requirements is 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).

R Merrett

INSPECTOR