



Appeal Decision

Site visit made on 20 May 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026

Appeal Ref: APP/L5240/X/25/3361685

12 Devon Close, Kenley CR8 5BB

- 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 Aliano against the decision of the Council of the London Borough of Croydon.
 - The application ref 24/03759/LP, dated 30 October 2024, was refused by notice dated 11 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 a "Proposed hip to gable end loft conversion with rear dormer."
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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. The certificate seeks to establish whether the works would have been lawful on the date of the application. In an application for an LDC, the onus is on the applicant to provide all the relevant information and evidence to support their case. On appeal, the Inspector's role is to decide whether, on the evidence, the Council's refusal to issue an LDC was well-founded. The case must be considered solely on the facts of the case, the relevant planning law and judicial authority, and its planning merits are of no relevance. The appellant must show, on the balance of probabilities, that the development proposed would, at the date of application, be lawful.
3. The Council originally raised an objection that the plans submitted do not show that the new side-facing windows will be obscure-glazed and non-opening up to 1.7m above finished floor levels. In response to this the appellant confirms that the side-facing window in the new gable will comply with the condition at B.2 (c), and condition C.2(a) and (b), Class C of Part 1, Schedule 2 of the GPDO. The Council have confirmed that this addresses their concern, and I find no reason to disagree with this conclusion.

Main Issue

4. The main issue is whether the Council's refusal to grant the LDC was well founded. It is necessary to consider whether the proposed extension would be granted planning permission by Article 3, Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).

Reasons

5. The appeal property comprises a semi-detached bungalow located on the corner junction of Devon Close and Godstone Road. It includes a tiled hipped roof and bay window and forms a symmetrical pair with the adjoining semi-detached bungalow at No 11 Devon Close. The main entrance door faces towards Godstone Road. However, similar to all other properties in the Close, access to the front door is via the front entrance steps on Devon Close.
6. Subject to limitations and conditions, Class B of Schedule 2, Part 1 of the GPDO permits 'the enlargement, improvement or other alteration of a dwellinghouse', and Class B of Schedule 2, Part 1 of the GPDO permits 'additions etc to the roof of a dwellinghouse'.
7. The Council determined that the proposed roof extension fails to meet Part B.1(c) of Schedule 2, Part 1, Class B of the GPDO. The relevant restriction under Part B.1(c) states that development is not permitted development if "any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which form the principal elevation of the dwellinghouse and fronts a highway."
8. The Council consider that Godstone Road, which contains the front entrance door and has the wider frontage is the principal elevation, whereas the appellant considers that the Devon Close elevation, containing the front main bay window, and the entrance path for the dwelling is the principal elevation. Therefore, the appeal turns on what the original principal elevation is. The burden of proof in this matter lies with the appellant.
9. The Government's Technical Guidance (TG)¹ provides a useful guide to interpretation of the GPDO. The TG gives an explanation of the rules on permitted development for householders, what these mean and how they should be applied in particular sets of circumstances. In the guidance for "principal elevation" it states:

"In most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation."
10. The TG described Highway as "a public right of way such as a public road, public footpath and bridleway. For the purposes of the Order, it also includes unadopted streets or private ways."
11. The above guidance makes clear that in "most cases" the principal elevation will be elevation fronting the main highway but also allows for scenarios where this is not the case, such as corner plots. It is therefore a matter of planning judgement based on the particular facts of the case.

¹ The Ministry of Housing, Communities and Local Government's publication 'Permitted Development Rights for Householders' Technical Guidance, September 2019.

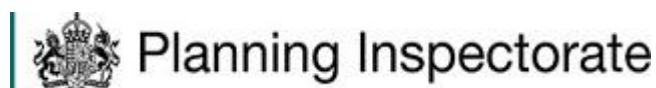
12. The main architectural features of this property are the front bay window, the hipped roof (both of which are paired with the adjoining semi-detached property at No 11 Devon Close) and the front entrance steps leading up to the front doors. Indeed, the appeal bungalow is one of a group of 12 bungalows, set out in 6 semi-detached pairs, around Devon Close. All of the bungalows follow the same broad design, with a bay window and steps on the front elevation and the main entrance door to the side.
13. The Godstone Road elevation, overall has a largely utilitarian appearance, without any significant architectural features, containing a mismatch different sized windows ((including the bathroom window) with no formal arrangement. I note that the front door of the property is located on this elevation. However, all other main features of the property and the layout of other bungalows in Close indicate that the property's principal elevation is the Devon Close elevation. The fact that the garage is also located on the Godstone Road elevation does not assist the Council, since garages, are often located towards the rear of properties on corner plots.
14. I appreciate that the Godstone Road elevation is wider than the Devon Close elevation. Nevertheless, many properties are deeper than they are wide. This is therefore not determinative of what is the front elevation.
15. In addition, the Council previously issued LDCs for roof extensions to No's 6, 8 and 9 Devon Close. The satellite photograph provided demonstrates that all 3 of these roof extensions have been built in the 'rear' roof slopes, and to the back of the Devon Close elevations. In those three scenarios the Council did not consider that the front elevation was the elevation containing the main entrance door, and I find no reason to disagree with the Council's conclusions in those other LDCs.
16. Furthermore, the postal address of the property is 12 Devon Close, and the postcode 'CR8 5BB' covers all of the 12 semi-detached properties on Devon Close. This adds further weight that the principal elevation is the one facing towards Devon Close.
17. The Council have provided 4 appeal decisions from Hertfordshire, Hillingdon and Redbridge Council in support of their case that the principal elevation can differ from the postal address. However, from my reading of these it is clear that each decision falls to be considered, as a matter of fact and degree, and based on the site-specific circumstances, and the evidence before the decision maker. Whilst I have had regard to these, in this case, I have based my decision on the facts and circumstances of this particular case, the layout of properties in the Close, and on the guidance provided within the TG.
18. Therefore, as a matter of fact and degree, and on the balance of probabilities, I consider that the Devon Close elevation containing the most prominent architectural features is the principal elevation. It also provides the property's address and postcode. The development would not fail to meet the limitations under Paragraph B.1(c) of Schedule 2, Part 1, Class B of the GPDO, since the proposed roof extension would not extend beyond the plane of any existing roof slope which form the principal elevation of the dwellinghouse and fronts a highway.
19. The Council have raised no further conflict against any of the other limitations and conditions of Article 3, Schedule 2, Part 1, Classes B and C of the GPDO, and from my reading of the plans, I find no reason to disagree with these findings.

Conclusion

20. 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 hip to gable end loft conversion with rear dormer was not well-founded and that the appeal should succeed. I exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

R Satheesan

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 October 2024 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, 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 development is “permitted development” falling within Classes B and C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for which planning permission is granted by Article 3(1) of that Order.

Signed

R. Satheesan

INSPECTOR

Date: 29 May 2026

Reference: APP/L5240/X/25/3361685

First Schedule

Proposed hip to gable end loft conversion with rear dormer

Second Schedule

Land at 12 Devon Close, Kenley CR8 5BB

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 use /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, was /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 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.

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 the Lawful Development Certificate dated: 29 May 2026

by R Satheesan

Land at: 12 Devon Close, Kenley CR8 5BB

Reference: APP/L5240/X/25/3361685

Scale: Not to Scale

