



Appeal Decision

Site visit made on 27 May 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 8th June 2026

Appeal Ref: APP/D1265/X/25/3370521

492 Littlemoor Road, WEYMOUTH, DT3 5NY

- 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 and Mrs T Marsh against the decision of Dorset Council.
 - The application ref P/CLP/2025/02771, dated 12 May 2025, was refused by notice dated 17 July 2025.
 - The application was made under section 192(1)(a) 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 single storey rear extension.
-

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.

Reasons

2. No492 is a small cottage built of local rough-hewn stone. It stands at the end of a short terrace of similar cottages. At the rear is a small yard with what was probably once an outdoor toilet building. The property has already been extended to the rear and the appellant proposes to add a further extension to this. It has been refused for various reasons, three of which relate the existence of the first extension, one to the size of the curtilage and one to roof materials.
3. Extensions are dealt with under Class A of Part 1 of the GPDO. A.1(b) requires the extension and any other buildings (excluding the original dwellinghouse) to take up no more than 50% of the curtilage. The agent's measurements show that this limit is not exceeded, assuming the first extension is part of the original dwelling. A.3(a) requires the materials used on the exterior must be of a similar appearance to those on the existing dwelling. The dwelling has a slate roof and the proposed flat roof of the extension would be painted slate grey to match. The requirement is not that the same materials should be used but that they should have a similar appearance. A flat roof couldn't have a slate finish, but a grey painted version would fit in acceptably and would be similar.
4. The nub of the appeal concerns the existing extension. If it is part of the original dwellinghouse then the other issues fall away. 'Original' in relation to a dwellinghouse means existing in 1948. The date of the extension is unknown, but there are a number of clues. Firstly, all the dwellings in the terrace have (or had) a similar extension across their full width, but those on the other dwellings have been altered or added to over time. This suggests the single storey extension is older than the other alterations and so must be quite old. I noticed it was

constructed of the same stone as the main dwelling and to similar thicknesses of the wall. The walls seemed to be solid and very thick, with no cavity and the back door is lower than would be normal. All this suggests the extension is very much not of recent origin.

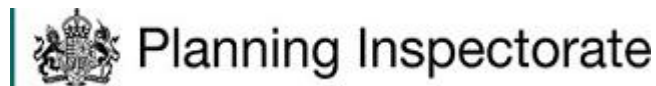
5. There are aerial photographs in the Officer's report from 1947 and 1972. The latter shows the single storey extensions across the back of the houses and possibly the second storey addition at the end house. This 2-storey extension is not visible in 1947 but neither is any detail at the back of the houses due to the shadow. The appellant's statement has an extract from a pre-first world war map which does appear to show the row of houses all the same depth and all deeper than the two-storey element facing the road, implying they have a single storey extension across all the backs. The agent has scaled the maps using known distances but even so the maps are at a very small scale.
6. None of the evidence is entirely convincing either way but taken altogether I am inclined to believe the single storey rear extension is pre-1948 and so part of the original dwellinghouse and so the proposed extension is permitted development.

Conclusion

7. I shall allow the appeal and grant the LDC as requested.

Simon Hand

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 12 May 2025 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason: they would have been permitted development.

Signed

Simon Hand

Inspector

Date: 8th June 2026

Reference: APP/D1265/X/25/3370521

First Schedule

Single storey rear extension as described by application P/CLP/2025/02771

Second Schedule

Land at 492 Littlemoor Road, WEYMOUTH, DT3 5NY

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. 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.