



Appeal Decision

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2026

Appeal Ref: APP/H5960/X/25/3371031

1 St Hildas Close, London SW17 7UL

- 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 Parolin Boscolo against the decision of the Council of the London Borough of Wandsworth.
 - The application ref 2025/1653, dated 8 May 2025, was refused by notice dated 15 July 2025.
 - 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 the erection of a dormer extension to main front roof slope and extension to porch.
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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 operations which are found to be lawful.

Main Issue

2. The main issue is whether the Council's decision to refuse to issue a certificate was well founded. This turns on whether the proposed dormer extension and the proposed porch extension were, at the time of the application, developments permitted respectively by Classes B and D of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reasons

The roof extension

3. The proposal is the creation of a large dormer on the roof slope. Class B of Part 1 of Schedule 2 to the GPDO permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This is subject to various limitations at B.1, but it is common ground that the development complies with those. When the plans are read complete with the attached notes, it is clear that the conditions at B.2 would also be complied with. Accordingly, this is development permitted by Class B and a certificate can be issued for it. The Council accepts that this is the case.

The porch extension

4. The claim is that the porch extension is permitted under the provisions of Class D of Part 1 of Schedule 2 to the GPDO. Class D permits, subject to certain limitations, 'The erection or construction of a porch outside any external door of a dwellinghouse'.
5. Here, the proposal is described as an extension to a porch but, in truth, little would remain of the original porch, such that it is tantamount to a new structure. In any

event, Article 2 of the GPDO confirms that ‘erection’, in relation to buildings, includes extension, alteration, or re-erection, and it is common ground between the parties that the proposal falls to be considered under Class D, a view I share.

6. It is common ground that all but one of the limitations set out at D.1 are met. The Council’s sole reason for refusal concerns the height of the structure which, it argues, would exceed the 3m limit imposed at D.1(c). The 3m limit is only exceeded if the measured height of the addition includes the flashing where the roof of the porch would meet the front wall of the house. However, the flashing is a thin strip of flexible material designed to seal the join between the roof and the wall and, for all practical purposes, does not add to the height of the structure. Consequently, it seems to me that the highest point of the tiles – what the Council refers to as the ridge height – should be taken as the highest point of the structure for the purposes of Class D.
7. The Council argues that the flashing is part of the structure. It points out that the statutory definition of development includes ‘building operations’ and has also sought support in a dictionary definition of ‘structure’. However, the permitted development rights set out in the GPDO have been designed in order to regulate development for practical purposes, and the assessment of the height of the building must be seen in that context. The flashing has no implications for the actual scale or impacts of the structure. Thus, the measurement here should be taken to the top of the tiling, which is consistent with a straightforward interpretation of the height of the building. The point is most obviously made when looking at the side elevation of the proposed porch, where it can be seen that the flashing does not add to the height of the structure. Thus, I am not persuaded that the 3m limit would be exceeded in this case.

Conditions/informatives

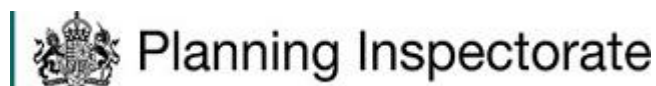
8. The Council has suggested that various conditions or informatives should be attached. However, this is a determination regarding the lawfulness of the development and it is not open to me to attach planning conditions. Class B is subject to a number of conditions at B.2 and it is clear that these must be complied with in order for the permitted development right to be claimed, as the submitted plans and notes make clear.

Conclusion

9. For the reasons given above, I conclude that the Council’s refusal to grant a certificate of lawful use or development is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended) and grant the certificate applied for.

Peter Willows

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 8 May 2025 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 by Article 3 and Classes B and D of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

Peter Willows

Inspector

Date: **16 July 2026**

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First Schedule

The erection of a dormer extension to main front roof slope and extension to porch.

Second Schedule

Land at 1 St Hildas Close, London SW17 7UL

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 the Lawful Development Certificate dated: **16 July 2026**

by **Peter Willows**

Land at: **1 St Hildas Close, London SW17 7UL**

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Scale: Not to Scale

