



Appeal Decision

Site visit made on 27 July 2026

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2026

Appeal Ref: APP/T5150/X/25/3363538

29 Wembley Park Drive, Wembley, Brent, HA9 8HD

- 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 Miss. Aleena Sheikh against the decision of the Council of the London Borough of Brent.
- The application ref 25/0160, dated 17 January 2025, was refused by notice dated 14 March 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 development is sought is change of roof profile from hip to gable, loft conversion with rear dormer extension, and front rooflights, and alteration from pitch roof to flat roof of first floor rear extension to dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, further applications have been made to and granted by the Council, for both a lawful development certificate (LDC) and planning permission. It was evident from my visit that planning permission Ref:25/0944, which includes a two-storey side extension, had been implemented and was nearing completion. Accordingly, even if I were to grant a further LDC, this would be based upon the situation that existed at the time the application was made and could no longer be relied upon given that the appeal property has since been altered.

Reasons

3. Section 192(2) of the Town and Country Planning Act 1990 indicates that if, on an application under that section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application. My decision is therefore based on the facts of the case and judicial authority. For the avoidance of doubt, this means that the planning merits of the proposed development are not relevant to this appeal and the main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Development was well founded. In this respect, the burden of proof is on the appellant to show that, on the balance of probability, the development proposed would have been lawful on the date on which the application was made.
4. Class B, Part 1, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) relates to additions and alterations

to roofs which enlarge the house. Criterion B.1(d) clearly states that development is not permitted by Class B if the cubic content of the resulting roof space would exceed the cubic content of the original roof space (in the case of any dwelling other than a terrace house) by 50 cubic metres.

5. The appeal property is a semi-detached house, that has previously been altered and extended. It is proposed to replace the existing side and rear dormer windows with a hip to gable extension to the side and a larger dormer across the rear. To facilitate these alterations, it is also necessary to remove the side chimney and to alter the roof of the existing two storey rear projection from pitched to flat.
6. The measurements and calculations included on the submitted drawings indicate that the total volume of the roof additions would be 49.9 cubic metres. The Council calculate the additions to be 51.12 cubic metres.
7. Although the appellant does not allege that the Council's measurements or calculations are incorrect, her agent states that they consider it unnecessary to round these to two decimal places. The GDPO and its technical guidance are silent on this matter, and neither party has provided any explanation as to why their method is correct. However, the limit set out in the GPDO does not allow for any margin of flexibility and I consider the Council's method of rounding to two decimal places to be more accurate. This indicates that the additions to the roof would, on the balance of probability, exceed the 50 cubic metre limit.

Other matters

8. Reference has been made to other appeal decisions relating to similar developments. I am not aware of the full details of these cases, and I note that these decisions do not refer to decimal places. As such, they do not alter my conclusions relating to the facts of the case before me.

Conclusion

9. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development for the change of roof profile from hip to gable, loft conversion with rear dormer extension, and front rooflights, and alteration from pitch roof to flat roof of first floor rear extension to dwellinghouse was 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 Bartlett

INSPECTOR