



Appeal Decision

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2026

Appeal Ref: APP/J0350/X/25/3371511

61 Belgrave Road, Slough SL1 3RG

- 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 Krzysztof Pusztuk against the decision of Slough Borough Council.
 - The application ref P/20139/001, dated 9 April 2025, was refused by notice dated 19 June 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 loft conversion and associated internal works to create additional bedroom and bathroom.
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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 Matter

2. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue in the appeal is whether the Council's refusal to grant an LDC was well-founded. This turns on whether it has been shown that planning permission is granted for the proposal by Article 3(1), Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

4. The appeal property contains a two storey, end of terrace dwelling, with a dual pitched roof. There is a two storey outrigger, also with a dual pitched roof, at the rear of the dwelling. The outrigger roof ridge is roughly in line with the eaves of the main roof of the dwelling. The outrigger eaves line is approximately level with the middle of a first floor window on the rear elevation of the dwelling.
5. The proposal involves erecting an L-shaped dormer on the rear roof slope and along the outrigger roof, together with installing two rooflights in the front roof slope. The burden is firmly on the appellant to show why an LDC should be issued, the relevant test of the evidence being on the balance of probability.
6. The works described in the proposal would involve carrying out building operations falling within the definition of development set out in s55(1) of the Act. Planning permission is required for the carrying out of any development of land, having regard to s57(1) of the Act. At s191(2)(a), the Act states that operations are lawful where no enforcement action may be taken in respect of them. This includes where those operations benefit from a grant of planning permission.
7. The GPDO at Article 3(1), Schedule 2, Part 1, Class B grants planning permission for the enlargement of a dwelling consisting of an addition or alteration to its roof,

subject to the limitations in paragraph B.1 not being exceeded and the conditions in paragraph B.2 not being breached. Class C permits other alterations to the roof of a dwelling, subject to the limitations in paragraph C.1 not being exceeded and the conditions in paragraph B.2 not being breached.

8. Reference was also made by the Council to Class A, which permits the enlargement, improvement or other alteration of a dwelling, subject to the limitations in paragraph A.1 and A.2 not being exceeded and the conditions in paragraphs A.3 and A.4 not being breached, as well as Classes B and C. The Government's Technical Guidance (TG)¹ advises on interpretation of the GPDO. Whilst not the equivalent of statute, the TG is generally regarded as authoritative. The TG advises that when considering whether a proposal is permitted development, all of the relevant Parts of the GPDO and all the Classes within those Parts need to be taken into account.
9. Erecting the dormer would not, in my view, involve works which go beyond joining the two roofs together. The dormer would join the main roof of the dwelling to that of the outrigger but would not go outside the original roof envelope in doing so. No part of the dormer would be below the eaves level of the outrigger roof. Erecting the dormer would not involve enlarging the footprint of the dwelling. Nor would any part of the dormer protrude beyond the outer face of the rear wall of the original dwelling. The TG makes no reference to L-shaped dormers in the examples of development which must meet the limitations and conditions of more than one Class in Part 1. Therefore, as a matter of fact and degree, I am not convinced that Class A is of relevance in this instance; whilst the outrigger would be extended upwards no part of the proposal would involve works other than for the alteration and enlargement of the roof of the dwelling.
10. Moreover, in relation to Class B the TG states...*'the enlarged part of the roof may join the original roof to the roof of a rear or side extension (generally referred to as an 'L-shaped dormer' on a main roof and 'outrigger' or 'back addition' roof), whether the part of the house being extended forms part of the original house or is an enlargement, or the shape or level of the pitch of the roofs are different in relation to each other.'* To my mind, when read in a straightforward fashion this clearly envisages that a roof enlargement consisting of an L-shaped dormer can fall squarely within Class B in situations where, similar to in this appeal, the outrigger sits below the level of the main roof. Adopting a different interpretation on the other hand would mean that in practice, many L-shaped dormers would not be granted planning permission by Part 1, since it is not unusual or uncommon for the main roof of a dwelling and that of an outrigger to differ in terms of their overall height, height to eaves and shape. That cannot be what is meant by the TG, given that the intention of the GPDO Part 1 is to ease restrictions on householders to improve and extend their homes where there is little adverse impact in doing so.
11. In reaching the above views, I am also mindful of the Inspector's findings in an appeal which concerned an outwardly similar development outside of the Borough². However, I was not referred to any other appeal decisions where a similar interpretation of the GPDO was adopted. In any event, given the absence of further information I am unable to make a more detailed comparison between the facts and circumstances of that case and those which apply in the current appeal.
12. The Council went on to refer to the conditions in Class B at paragraph B.2(b)(i)(aa) and (bb), which require, respectively, the eaves of the original roof to be maintained or reinstated and that the edge of the enlargement is set back no less than 0.2m from the outside edge of the eaves, so far as practicable. Reference was also made to the condition in paragraph B.2(b)(ii), which requires no part of

¹ Permitted development rights for householders: Technical Guidance: MHCLG 2019

² Appeal Ref.: APP/G3110/X/17/3179870

the enlargement to extend beyond the outside face of any external wall of the original dwelling.

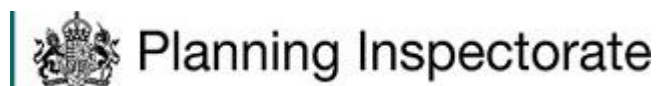
13. Even so, erecting an L-shaped dormer would involve an '*enlargement which joins the original roof to the roof of a rear or side extension*' as set out in paragraph B.2(b). The interpretative provision at paragraph B.4 of Class B confirms that '*rear or side extension*' includes an original part of or a subsequent extension to the dwelling that extends from the rear or side of the principal part of the original dwelling. Also, both an original rear outrigger and a later enlargement are an 'extension' for the purposes of the TG. Therefore, whilst the dormer would extend across the part of the original rear eaves on the main roof, the exception to the conditions in paragraph B.2(b)(i)(aa) and (bb) and B.2(b)(ii) applies in this instance.
14. The dormer would be no higher than the highest part of the existing roof of the dwelling and so would not exceed the limitation in paragraph B.1(b) of Class B. The TG confirms that the highest part of the roof of a dwelling will be the ridge line of the main roof, even though there may be ridge lines at a lower level.
15. There is no dispute that the other relevant size and locational limitations in paragraph B.1 would not be exceeded, that the other relevant conditions in paragraph B.2 would not be breached, that the relevant limitations in paragraph C.1 of Class C would not be exceeded and that the condition in paragraph C.2 is not relevant in this case. Having undertaken my own assessment in relation to these matters, I concur.
16. Accordingly, based on the available evidence and in the individual circumstances of this case, in my view the appellant has discharged the burden on them to show that the proposal is granted planning permission by the GPDO at Article 3(1), Schedule 2, Part 1, Classes B and C and is lawful for planning purposes.

Conclusion

17. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a loft conversion and associated internal works to create an additional bedroom and bathroom at 61 Belgrave Road, Slough SL1 3RG 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).

Stephen Hawkins

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 9 April 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:

Based on the available evidence and on the balance of probability, planning permission is granted for the proposal (as shown on drawings reference 2506-PLN-00 Revision A, 2506-PLN-01 & 2506-PLN-02) by Article 3(1), Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

Stephen Hawkins

Inspector

Date: **20 August 2026**

Reference: APP/J0350/X/25/3371511

First Schedule

Loft conversion and associated internal works to create additional bedroom and bathroom

Second Schedule

Land at 61 Belgrave Road, Slough SL1 3RG

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 this decision dated: **20 August 2026**

by **Stephen Hawkins**

Land at: 61 Belgrave Road, Slough SL1 3RG

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Scale: Not to Scale

