



Appeal Decision

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2026

Appeal Ref: APP/Y5420/X/25/3363479

13 Maryland Road, London N22 5AR

- 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 Emmanuel Akubue against the decision of the Council of the London Borough of Haringey.
 - The application ref HGY/2024/2759, dated 7 October 2024, was refused by notice dated 27 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 loft conversion with the erection of an outrigger dormer extension and insertion of 2no. rooflights on front slope.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development (LDC) describing the proposed development which is found to be lawful.

Preliminary Matter

2. In an appeal under s195 of the Town and Country Planning Act 1990 ("the 1990 Act") the planning merits of the matter applied for do not fall to be considered. The decision will be based strictly on the facts and on relevant planning law. Consequently, no site visit was made as it was not necessary for me to view the property in order to determine the appeal.

Main Issue

3. The main issue is whether the Council's decision to grant a certificate of lawful use or development was well-founded.

Reasons

4. An application under s192(1) of the 1990 Act seeks to establish whether any use or operations proposed to be carried out in, on, over, or under land would be lawful. In an application for a LDC, the onus is on the appellant to demonstrate on the balance of probabilities that the proposed development would be lawful.
5. There is no dispute that the proposed development would accord with the provisions of Classes B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO"), and I have no reason to disagree. The sole area of dispute is whether the property is a C3 dwellinghouse to which permitted development rights set out under the GPDO apply.

6. It is not a condition of qualifying for permitted development rights under Part 1 of the GPDO that a “dwellinghouse” is of a particular type or used in accordance with Use Class C3¹. However, to benefit from permitted development rights, Article 2(1) of the GPDO defines a dwellinghouse as a building which does not contain one or more flats.
7. The “existing” floor plans submitted with the LDC application show the property to contain an office on the ground floor with five bedrooms split over two floors. The plans also show a shared kitchen on the first floor and shared bathroom on the ground floor. None of the bedrooms have any cooking facilities shown, and the LDC application form states that the existing or last use of the building was a C3 dwellinghouse. There is therefore nothing within the application to suggest that the building currently contains one or more flats or that it does not fall within the definition of a “dwellinghouse”.
8. The “proposed” floor plans show the retention of the ground and first floor layouts, along with the introduction of a sixth bedroom, a kitchen and a bathroom within the proposed converted loft. The Council’s first objection is that the development would result in more than six people residing at the property. However, the existence of six bedrooms does not necessarily mean that more than six people would reside at the property, and no evidence has been provided to demonstrate that this would be the case.
9. The Council’s second objection is that the proposed loft conversion would result in the creation of a self-contained flat which would form a separate planning unit. The proposed floor plan however shows that the kitchen and bathroom would not be contained within the sixth bedroom itself, but that they would both be accessed separately via the landing. There is also nothing within the application to suggest that occupants of other rooms, such as those on the first floor, would not be able to access and use the kitchen and bathroom within the loft if so desired. I do not find therefore that the proposed plans demonstrate the creation of a self-contained flat.
10. In support of its case, the Council has referred to a previous application for an HMO licence² at the appeal property which was granted on 25 April 2024. The floor plans provided with that application appear to show the property to contain six flats, with each flat including an en-suite bathroom along with a cooking hob and sink. However, the issuing of an HMO licence does not necessarily mean that the property was subsequently being used for that purpose or that it has been laid out as per the plans submitted with the HMO licence application.
11. In any event, I am required to determine this appeal based on the submitted plans and supporting information. Furthermore, if the circumstances concerning either the current or future use and occupation of the appeal building were different from the details provided with the LDC application, then it would be a matter for the Council to consider whether any formal enforcement action was necessary.
12. To summarise, the appellant’s appeal is confined to establishing the lawfulness or otherwise of the proposed development based on the description of the development and the information shown on the drawings. Based on the available

¹ Town and Country Planning (Use Classes) Order 1987 (as amended), Use Class C3 Dwellinghouses: This class is formed of three parts; use as a dwellinghouse by a single person or by people to be regarded as forming a single household; not more than six residents living together as a single household where care is provided for residents; and not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

² Council Ref: HAR-554747929228

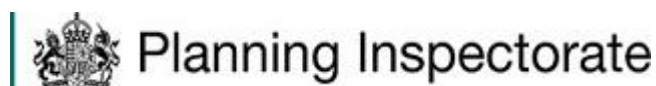
evidence I find, on the balance of probabilities, that at the time of the application, the proposed development would be lawful under Classes B and C of Part 1, of Schedule 2, of the GPDO.

Conclusion

13. 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 a loft conversion with the erection of an outrigger dormer extension and insertion of 2no. rooflights on front slope was not well-founded and that the appeal succeeds. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

David Jones

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 7 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 submitted drawings and application form demonstrate that the appeal property was a dwellinghouse at the time of the application. Accordingly, the proposed loft conversion with the erection of an outrigger dormer extension and insertion of 2no. rooflights would satisfy the conditions and limitations of Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and would therefore be permitted development.

Signed

David Jones

Inspector

Date: 25 August 2026

Reference: APP/Y5420/X/25/3363479

First Schedule

Loft conversion with the erection of an outrigger dormer extension and insertion of 2no. rooflights on front slope

Second Schedule

Land at 13 Maryland Road, London N22 5AR

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 this decision dated: 25 August 2026

by David Jones BSc (Hons) MPlan MRTPI

Land at: 13 Maryland Road, London N22 5AR

Reference: APP/Y5420/X/25/3363479

Scale: Not to Scale

