



Appeal Decision

Site visit made on 12 September 2026

A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 7th October 2026

Appeal Ref: APP/Z5630/X/25/3369045

18 Burton Road Kingston upon Thames KT2 5TF

- 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 Hei Loy Chan against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 24/03225/CPU, dated 6 January 2025, was refused by notice dated 9 April 2025.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is the installation of 1 no. side rooflight.
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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 extent of the proposed operation, which is found to be lawful.

Reasons

2. The Council refused to grant the LDC because the information submitted about the existing piggyback roof extension, following the grant of planning permission, was inconsistent and imprecise. However, the dwelling's ridge has been raised, and the roof extension is set back from the front elevation. The Council's evidence does not clearly identify the alleged inconsistencies. For example, it is unclear what concern arises from the roof extension, and there is no evidence before me to suggest that it is unauthorised.
3. The property is occupied as a dwellinghouse and there is nothing before me to indicate permitted development rights are removed. The appellant maintains that a new skylight is proposed on the side elevation, which would allow light into a washroom on the second floor. For instance, drawing UK24129-PR-FL002 illustrates existing and proposed roof in plan form: a new openable Velux window with opaque glass at minimum 1.7m height above adjacent ground level is clearly shown on the submitted plans. Such development is permitted by virtue of article 3, schedule 2, part 1, class C to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended subject to conditions and limitations. There is nothing before me to suggest the development would conflict with any physical tolerance in paragraph C.1 or conflict with condition C.2(a) and (b).

4. I find that the onus of proof is discharged and, on the balance of probabilities and evidence now available and having considered all other matters raised, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of installation of 1 no. side rooflight was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the Act as amended.

A U Ghafoor

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 6 January 2025 the matter described in the First Schedule hereto, constituting the proposed building operation, namely, installation of 1 no. side rooflight, in respect of the land specified in the Second Schedule hereto and edged on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The development is permitted by virtue of article 3, schedule 2, part 1, class C to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and the proposed development would not constitute a contravention of any of the requirements of any enforcement notice then in force.

Signed

A U Ghafoor

INSPECTOR

Date: 7th October 2026

Reference: APP/Z5630/X/25/3369045

First Schedule

The installation of 1 no. side rooflight as shown on drawings submitted with the application for lawful development certificate (proposed):

UK24129-BP-FP002 EXISTING & PROPOSED BLOCK PLANS

UK24129-BP-FP001 SITE CONTEXT

UK24123-BP-FP002 SITE LOCATION PLAN

UK24129-EX-EL001 EXISTING SIDE ELEVATION

UK24129-PR-EL001 PROPOSED SIDE ELEVATION

UK24129-PR-FL001 PROPOSED FLOOR PLANS

UK24129-PR-FL002 EXISTING & PROPOSED ROOF PLANS

Second Schedule

Land edged as shown on the plan attached to this certificate and identified as 18 Burton Road Kingston upon Thames KT2 5TF.

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Act. It certifies that the proposed building operation described in the First Schedule at the address specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the Act, on that date. This certificate applies only to the extent of the operation described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation or use 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 7th October 2026

by A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

Land at: 18 Burton Road Kingston upon Thames KT2 5TF

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Scale: Do not scale.

