Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2026

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2026

Appeal Ref: APP/U4610/X/25/3367991
14 Farcroft Avenue, Coventry CV5 7DU

- 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 James Farrington against the decision of Coventry City Council.
- The application ref PL/2025/0000695/LDCP, dated 28 March 2025, was refused by notice dated 9 May 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 with rear box dormer and rooflights to the front slope.

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.

Preliminary Matter

2. The application for a certificate of lawful use or development (LDC) was submitted under section 192 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") to establish whether the development proposed would be lawful if instituted or begun at the time of the application. However, it was evident from my site visit that works similar to those proposed had already taken place. Nevertheless, as the application was submitted under section 192, my decision will concern the lawfulness of the "proposed development" as described and as shown on the submitted drawings.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant a LDC was well-founded.

Reasons

4. Under Article 3, Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO"), additions to a roof of a dwellinghouse are permitted development, subject to various conditions and limitations. Under Article 3, Schedule 2, Part 1, Class C of the GPDO, any other alteration to the roof of a dwellinghouse is permitted development, subject again to conditions and limitations being met.

5. The Council accept that, so long as the rear box dormer falls within the scope of Class B, it would be permitted development. Similarly, the Council does not

dispute that the proposed rooflights on the front roof slope would be permitted development under Class C. Having undertaken my own assessment, I concur.

6. The Council contend that the proposed rear box dormer would be built off the wall plate of the dwelling and therefore would not constitute an addition to the roof. The Council's view is that the rear box dormer should be regarded as an extension to the dwellinghouse and therefore fall outside the scope of Class B. The Council instead argue that the proposal should be assessed under Class A.

7. Neither the GPDO nor the Governments Householder Technical Guidance[1] state that a dormer would no longer be an addition to the roof solely because its walls encroach onto the wall plate of the dwelling. To my mind, in addition to meeting all of the various conditions and limitations, the key point in determining whether the proposal would be permitted development under Class B is whether it would reasonably be seen and characterised as an addition or alteration to the roof rather than an upward extension of the external walls.

8. The submitted drawings which detail the "proposed rear elevation (east)" clearly indicate that the proposed rear box dormer would sit within and project from the roof form. The drawings also show that the box dormer would be set back from the eaves by more than the 200mm required under paragraph B.2(b)(i)(bb) of Class B. Consequently, the box dormer would not continue the existing rear wall of the dwelling upwards, and the elevational drawings clearly show the proposed development to be an addition to the roof of the dwelling.

9. I acknowledge that the floor plans for the proposed loft appear to show that the wall of the dormer would abut or encroach onto the rear wall plate. However, it is necessary to consider the proposal in its totality. As the rear face of the box dormer would be set back by more than 200mm from the eaves, the dormer clearly project from the existing roof, and the existing rear wall of the dwelling would not be raised, I consider that the development would be seen and characterised as a roof enlargement and not an upward extension of the rear wall of the dwelling.

10. Accordingly, I find that the proposed rear box dormer would comprise an addition to the roof of the dwellinghouse and would fall within the scope of Class B of the GPDO. As the rear box dormer would not conflict with any of the conditions and limitations under Class B, and as the proposed rooflights would not conflict with any of the conditions or limitations under Class C, the proposed operations would be permitted development by virtue of the rights conveyed by Article 3, Schedule 2, Part 1, Classes B and C of the GPDO.

Conclusion

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a proposed loft conversion with rear box dormer and rooflights to the front slope was not well-founded and the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act.

David Jones

INSPECTOR

[1] Permitted Development Rights for Householders: Technical Guidance MHCLG 2019

Planning Inspectorate

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 28 March 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 operations are permitted under the provisions of Classes B and C of Part 1, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

David Jones

Inspector

Date: 17 November 2026
Reference: APP/U4610/X/25/3367991

First Schedule

Loft conversion with rear box dormer and rooflights to the front slope

Second Schedule

Land at 14 Farcroft Avenue, Coventry CV5 7DU

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.

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Plan

This is the plan referred to in the Lawful Development Certificate dated: 17 November 2026

by David Jones BSc (Hons) MPlan MRTPI

Land at: 14 Farcroft Avenue, Coventry CV5 7DU

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Scale: Not to Scale

