

Application for a certificate of lawfulness for a proposed two storey extension at the rear of 8 Hillcrest Road, Langho, Lancashire BB6 8EP.

320230306P

Supporting Planning Statement
JDTPL0475

April 2023

Judith Douglas BSc (Hons), Dip TP, MRTPI

"The proposal is not deemed to be Permitted Development by virtue of Class A, Part 1, Schedule 2, A.3 (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 insofar that the enlarged part of the dwellinghouse would have more than one storey and the roof pitch fails to be the same as the original dwellinghouse."

- 3.2 No other reason for refusal was given. The Statement dated 22/08/2022 set out how the proposal meets the requirements of Schedule 2 Part 1 Class A and Class B of the Town and County Planning (General Permitted Development) Order 2015 as amended. The Statement dated 22/08/2022 is submitted in support of this application. The Planning Officer's report also assessed the proposal against Schedule 2 Part 1 Class A of the Town and County Planning (General Permitted Development) Order 2015 as amended. The Officer report only lists non-compliance with Class A Part 1, Schedule 2, A3 (c) as the reason for not issuing a certificate of lawfulness. See appendix 1 Officer report 3/2022/0810. We conclude that interpretation of A3 (c) this is the only area of disagreement and that it is agreed that the proposal is compliant in all other respects. This statement will focus on the interpretation of section A3 (c) of Class A.
- 3.3 The Condition at A.3 (c) states:
"where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse"
- 3.4 The Officer's report states in bold at the end of the report:
"The roof of the proposed extension fails to be of the same roof pitch of the original dwellinghouse insofar that it is a gabled and not a hipped arrangement."
- 3.5 It is clear that the main issue arising is whether 'roof pitch' refers to the angle of the pitch of the roof or whether it refers to the style of the roof. The Officer considered that the proposed extension had to have a hipped roof to be compliant with Condition A3 (c) whereas we consider that there is no such requirement in Condition A3 (c).
- 3.6 The submitted drawing PHA/722 A2.2 show the angle of the pitch of the roof of the original dwelling and the angle of the pitch of the roof of the proposed extension, and these are the same at 28 degrees. The dwellinghouse has a gabled roof and the proposed extension projects at 90 degrees to the dwellinghouse and is finished with a gable.

condition A.3(c). Neither condition A.3(c) nor the Technical Guidance includes any qualification as to siting or orientation of 'the enlarged part' of the dwellinghouse."

- 3.12 The Inspector then continues to consider the degree pitch of the roof only. Indeed, in order to consider whether the degree pitch of the roof is the same as the existing 32 degrees pitch *so far as practicable*, he considers whether a different style of roof, specifically a crown roof could achieve a 32 degree pitch. If Condition A3 (c) controlled the style of the roof the Inspector would not have considered a crown roof option. See appendix 4 APP/J1915/X/13/2191704 The White Cottage 9 Chapmore End, Ware, Herts. SG120HF
- 3.13 In appeal APP/P5870/X/16/3164634 213 Banstead Road, Banstead SM7 1QL (Banstead), the Inspector at paragraph 9 states *"The term pitch is not defined in the GPDO either generally or specifically with respect to part 1. It must therefore be given its ordinary meaning. This is as the appellant notes the steepness of the slope"*. He goes on to say at paragraph 10 *"Furthermore, while the proposed roof plan is without doubt more complex than the simple roof it would replace, it is the pitch of the proposed roof slopes that are of importance not the overall roof plan."* See appendix 5 APP/P5870/X/16/3164634 213 Banstead Road, Banstead SM7 1QL
- 3.14 The confusion over the interpretation of condition A3 (c) seems to have arisen from the diagram on page 32 of the TG. In considering application 3/2022/0810 the Council appears to have taken the view that the two-storey extension should have a hipped roof in order to comply with the condition A3 (c). The Virginia Water appeal makes clear that A3 (c) refers to roof pitch which means the 'roof slope' not the 'roof style'. The Virginia Water Inspector had considered that diagram relating to this in the TG in reaching this conclusion. This appeal arose from the Council in that case believing that the proposed gabled extension should have a hipped roof in order to comply with condition A3 (c).
- 3.15 The fact that roof pitch in A3 (c) refers to the 'roof slope' is also affirmed in the Ware appeal. The Inspector in that case considering whether a crown roof could achieve the required pitch of the roof. The Inspector in the Ware appeal also refers to the diagram in the TG and having done so continues only to consider the degree pitch of the roof and not the 'roof style'. A third confirmation on the correct interpretation of roof pitch is found in the Banstead appeal. The Inspector confirms that roof pitch refers to the steepness of the slope.

4. CONCLUSION

- 4.1 This statement has clarified by examples from three appeal decisions that Condition A3 (c) in relation to roof pitch means the slope of the roof and not the style of the roof. The proposed

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	SK	Date:	17/10/2022	Manager:	NH	Date:	17/10/22
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Application Ref:	3/2022/0810	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	
Officer:	SK	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Proposed two storey rear extension
Site Address/Location:	8 Hillcrest Road Langho Lancashire BB6 8EP

CONSULTATIONS:	Parish/Town Council
N/A	

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

The proposal is assessed against the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Relevant Planning History:

No relevant planning history.

ASSESSMENT OF PROPOSED DEVELOPMENT:**Proposed Development for which consent is sought:**

The proposed development is for the construction of a two-storey rear extension located to the rear of 8 Hillcrest Road Langho.

This application seeks a determination as to whether the proposed development meets the requirements for a certificate of lawfulness. In this particular instance the relevant part of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to consider is Schedule 2 Part 1 Class A.

Observations/Consideration of Matters Raised/Conclusion:

(i) extend beyond the rear wall of the original dwelling house by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwelling house opposite the rear wall of the dwelling house;

The proposed two storey rear extension would project rearward by 2.44m and would be in excess of 7m from the rear boundary of the curtilage of the dwelling house opposite the rear wall of the dwelling house.

(i) the enlarged part of the dwelling house would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres;

The enlarged part of the dwelling house would be within 2 metres of the boundary of the curtilage of the dwelling house and the maximum eaves height of the proposed single storey extension will measure approximately 2.4m.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

- (i) exceed 4 metres in height,
- (ii) have more than one storey, or
- (i) have a width greater than half the width of the original dwellinghouse; or

(k) it would consist of or include:

- (i) the construction or provision of a veranda, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) an alteration to any part of the roof of the dwellinghouse.

The proposed extension would not extend beyond a wall forming the side elevation of the dwellinghouse and will not include any of the above criteria.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The application site is not sited on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

The proposed materials match those used in the construction of the exterior of the existing dwellinghouse.



320230306P

Appeal Decision

Site visit made on 9 June 2011

by Ahsan U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 August 2011

Appeal Ref: APP/Q3630/X/10/2140830

Cornerways, Sandhills Lane, Virginia Water GU25 4BW

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs E Culf against the decision of Runnymede Borough Council.
- The application Ref RU.10/0342, dated 13 April 2010, was refused by notice dated 28 May 2010.
- 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 described in the application as 'two-storey extension to the rear of the original dwelling. Re-organisation of the first floor to accommodate bathroom'.

Procedural Matter

1. After the site visit, The Planning Inspectorate wrote to both appeal parties seeking clarification on matters related to Article 3, Schedule 2 to Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 as amended (the 'GPDO') Class A, B and C. I am grateful for the helpful additional submissions made by the parties, which I will take into account.
2. I have taken the details for the header above from the LDC application form. Under section 192, there is no power to alter the terms of an LDC application, but it may be modified by agreement. The appellant confirmed that the description used by the Council is acceptable and I will evaluate the proposal on that basis.

Decision

3. The appeal is dismissed.

Reasons

4. The proposal comprises of a two-storey rear extension with 'Velux' style skylights and gable-end roof projection. Initially, the Council refused the LDC application on the basis that the development would fail paragraph A.1(f)(i) and A.3(c). The Council's main arguments are that the extension would be about 8m deep measured from the ridgeline and, whilst it would be practicable, the roof pitch of the extension would not be the same as the original dwellinghouse. Subsequent to the Council's decision, technical guidance (TG) was issued by the DCLG¹. From the diagrams illustrating rear wall extensions in the TG, it appears that any projections below eaves height should

¹ Department for Communities and Local Government titled 'Permitted development for householders, technical guidance' August 2010 (the 'TG').

Therefore, the development needs to satisfy criteria in Class A and B, which I will turn to next.

9. The appeal parties agree that physically the development would satisfy criteria set out in paragraph A.1 and A.2 of Class A. In this context, the only area of dispute left is whether the roof pitch of the extension would be the same as the roof pitch of the original dwelling. The Council considers that the development fails to satisfy condition A.3(c), which states the following:

'Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse'.

10. The original dwelling has more than one roof style because the main part of the house has a hipped roof and there are projections and dormer windows with gable-ends. However, condition A.3(c) does not refer to 'roof style' but uses the words 'roof pitch,' which is the amount of slope given to any part of a roof. Page 31 of the TG has a diagrammatical example of a development that is viewed as permitted development. The appeal proposal is materially different from that illustrated, because it consists of a gable-end projection but the principle is the same. The example given by the TG also relates to an extension where part of the extended roof has the same pitch as the existing house but is a different design.
11. The appellant's submissions are that the average roof pitch of the original dwelling is about 42-degrees and that the proposed two-storey extension, as far as practicable, shall be the same. On this basis, I agree with the appellant's interpretation that the roof pitch would satisfy condition A.3(c) of Class A. Notwithstanding this finding, as I have already stated above, paragraph A.1(i)(iv) of Class A states that development is not permitted if it would consist of or include an alteration to any part of the roof of the dwellinghouse. I next turn to whether the proposed development complies with Class B.
12. The undisputed evidence is that the original dwelling has been extended and altered in the past. The information suggests that an extension was granted planning permission in around 2002 for a single-storey extension and rooms in the roof space (planning application ref: RU.02/0920). That extension was implemented and resulted in the extension of the original dwelling's roof space in excess of 50 square metres. The appellant has not challenged this evidence. On that basis, the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres due to the design, scale and size of the proposed enlargement of the original dwelling's roof over the proposed rear extension. As a result, the development would conflict with Class B of the GPDO.

Conclusion

13. For the reasons given above and having considered all other matters raised, I conclude that the Council's refusal to grant an LDC development in respect of erection of a two-storey rear extension with gable end to rear elevation and insertion of roof lights to the rear elevation 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.

Ahsan U Ghafoor

INSPECTOR

RU.10/0342 Expiry: 11/06/2010

LOCATION: CORNERWAYS, SANDHILLS LANE, VIRGINIA WATER
 PROPOSAL: CERTIFICATE OF PROPOSED LAWFULNESS TO ESTABLISH WHETHER PLANNING
 PERMISSION IS REQUIRED FOR THE ERECTION OF A TWO STOREY REAR
 EXTENSION WITH GABLE END TO REAR ELEVATION AND INSERTION OF
 ROOFLIGHTS TO THE REAR ELEVATION OF THE ROOF.
 TYPE: CERTIFICATE OF PROPOSED LAWFULNESS
 APPLICANT: Mr and Mrs E Culf

Local Plan: Saved policies relevant to the consideration of this application are:

Second Alteration April 2001: n/a

1. Site

- 1.1 The site is located on the northern side of Sandhills Lane and contains a detached chalet style dwelling with accommodation over two floors and integral garage.
- 1.2 The site is located in the designated Green Belt.

2. History

- 2.1 The planning history relating to the site is as follows:
- 2.2 In June 2002, permission was refused (RU.02/0518) for the erection of a side extension and conversion of loft and roof over proposed extension to provide single attached garage and bedrooms above incorporating dormer windows on front and rear elevations.
- 2.3 In September 2002, permission was granted (RU.02/0920) for the erection of a side extension and conversion of loft and roof over proposed garage to provide single attached garage and bedrooms above incorporating dormer windows on front and rear elevations.
- 2.4 There are currently 3 other certificates of proposed lawfulness being considered at the site which are listed as follows:
- RU.10/0340-Certificate of proposed lawfulness to establish whether planning permission is required for the erection of a 2 storey rear extension with rear facing dormer window and insertion of rooflights in rear elevation of roof.
 - RU.10/0341-Certificate of proposed lawfulness to establish whether planning permission is required for the erection of a 2 storey rear extension with hipped to rear elevation and insertion of rooflights in rear elevation of roof.
 - RU.10/0343-Certificate of proposed lawfulness to establish whether planning permission is required for the conversion of the existing garage into habitable accommodation, erection of single storey garage extension to side of dwelling creation of bathroom in roof void and insertion of rooflight to rear elevation.

~~DAVEY~~



- 5.4 No part of the proposed extension would exceed the height of the highest part of the roof of the original house, thus complying with A.1(b).
- 5.5 The eaves height of the part of the building proposed to be enlarged would not exceed the eaves height of the existing dwellinghouse in accordance with A.1(c).
- 5.6 No part of the extension proposed would extend beyond a wall which fronts a highway and forms either the principal elevation or a side elevation of the original dwellinghouse, therefore complying with A.1(d).
- 5.7 Whilst the extension would extend beyond the rear elevation of the dwellinghouse, it would have more than one storey and therefore does not need to be considered under A.1(e).
- 5.8 Criterion A.1 (f) states that development is not permitted if the enlarged part of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse by more than 3 metres or be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse. Whilst the extension would be located in excess of 7 metres of the rear boundary of the site which is opposite the proposed extension, by reason of the addition of the gable end, in part, the extension would extend beyond the original rear wall of the dwellinghouse by more than 3 metres (to a depth of approximately 8 metres at the widest part). This is contrary to criterion A.1 (f)(i) and the proposal is recommended for refusal on these grounds.
- 5.9 The enlarged part of the dwellinghouse would not be located within 2 metres of the curtilage of the dwellinghouse and therefore does not need to be considered under A.1(g).
- 5.10 The proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse and therefore does not need to be considered under A.1(h).
- 5.11 In compliance with A1i, no part of the proposal would consist of or include:
- the construction or provision of a veranda, balcony or raised platform.
 - the installation, alteration or replacement of a microwave antenna.
 - the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
 - an alteration to any part of the roof of the dwellinghouse.
- 5.12 Specifically, the proposal would not result in the alteration of the existing roof, only its extension and as Class A allows two storey extensions to dwellings, it must also allow the extension to the roofs and therefore the proposal complies with A.1(i) in this regard.
- 5.13 The site is not located on article 1 (5) land and therefore does not need to be considered under part A.2.

- 5.16 It is observed from the plans that two rooflights are also proposed to be inserted in the original rear facing elevation of the roof as part of the proposal. These works would be assessed under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. In this instance, the roof lights would not protrude more than 150 millimetres from the plane of the roof when measured from the perpendicular with the external surface of the original and would not be higher than the highest part of the original roof in compliance with C.1 (a) and (b).
- 5.17 This element of the proposal would also not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the installation, alteration or replacement of solar voltaics or solar thermal equipment in compliance with C.1(c). As the roof lights would not be located on a side elevation of the dwellinghouse, the proposal would not be required to comply with the conditions listed under C.2.

Officers' Recommendation

REFUSE CERTIFICATE on the grounds that part of the two storey rear extension extend beyond the rear wall of the original dwellinghouse by more than 3 metres; and whilst it would be practicable, the roof pitch of the proposed two storey rear extension would not be the same as the roof pitch of the original dwellinghouse contrary to criteria A.1(f)(i) and Condition A.3 (c) of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Informative:

The applicant is advised that if he/she wishes to pursue this proposal it requires planning permission. However, given the size of the proposed extension, it is likely to be contrary to the relevant planning policies. If you require more information, it is suggested that you enter into pre application discussions before progressing with any application.

The applicant is advised that this decision relates to the following drawing numbers received on the dates shown:

Drawing Number:

Date Received:

SLVW/PF2-S/01 (plans as existing)	16/04/2010
SLVW/PF2-S/02 (elevations as existing)	16/04/2010
SLVW/PF2-S/03 (plans as proposed)	16/04/2010
SLVW/PF2-S/04 (elevations as proposed)	16/04/2010
SLVW/PF2-S/05 (location plan and block plan)	16/04/2010
Letter from agent dated 14 th April 2010	16/04/2010

Any permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained

Report Checked:...

Team Leader (Initials)

Authorised:...

Date... 26/5/10.

Note: This form can only be authorised by the Borough Technical Services Officer, The Deputy Borough Technical Services Officer (Planning), or the Development Control Officer.



Appeal Decision

Site visit made on 19 August 2013

by **Ian Currie BA MPhil MRICS MRTPI** (Retired)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 October 2013

Appeal ref:- APP/J1915/X/13/2191704

The White Cottage, 9 Chapmore End, Ware, Herts, SG12 0HF

- The appeal is made under section 195 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, against a refusal to grant a lawful development certificate (LDC).
- The Appeal is made by Mr I Lyon and Mrs E Lyon against the decision of East Hertfordshire District Council
- The application, Ref:- 3/12/1918/CL dated 12 November 2012, was refused by notice dated 8 January 2013.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a lawful development certificate (LDC) is sought is a replacement porch and rear two-storey extension.

Summary of decision:- The appeal is dismissed

Preliminary Matters

1. An application for costs was made by the appellants, Mr I Lyon and Mrs E Lyon, against East Hertfordshire District Council. This application is the subject of a separate Decision.
2. The appellants claim that the proposed rear extension falls to be considered under Article 3 and Schedule 2, Part 1 Class A of the Town & Country Planning (General Permitted Development Order) 1995 as amended (GPDO), which provides that the enlargement, improvement or other alteration of a dwellinghouse is permitted development (PD), subject to limitations and conditions. The Council refused to grant a LDC on the basis that the proposed two-storey rear extension would not fall within the scope of Class A, specifically and only because it would fail to comply with condition A.3(c).
3. There is no dispute that the proposed porch would be PD under Part 1, Class D of Schedule 2 to the GPDO. However, a further LDC application (Local authority ref:- 3/13/01112/CL) was granted by the Council on 14 March 2013 for development including an identical porch. Therefore, there is no need for me to grant a separate LDC in relation to this aspect of the current proposal. The 2013 LDC also relates to a rear extension with a different design from that before me.

Main Issue

4. I consider that the main issue is whether the proposed two-storey rear extension would be permitted development under Part 1, Class A of Schedule 2 to the GPDO.

and sympathetic to, the style and character of the original house. Nevertheless, the question of whether a rear extension would comply with the condition must be assessed objectively. It cannot be influenced by aesthetic or other personal preferences. The appellants have not shown that the roof pitch of the proposed extension would be the same as the original roof pitch, so far as practicable. By contrast, they have submitted a further LDC application incorporating a pitched roof with the same angle as the main roof of the existing house and the Council has quite properly issued a favourable decision. If the appellants prefer a different design for the extension, they are entitled to make a planning application.

11. The appellants also suggest, with reference to other decisions made on appeal or by this local planning authority, that compliance with condition A.3(c) only requires 'similarity' between the pitches of original and extension roofs. However, condition A.3(c) plainly uses the word 'same' and not similar.
12. I am not aware of the full details of the other LDC decisions and each determination of this matter has to be made on a case-by-case basis. It is not that the decision-maker should be 'flexible'; rather, an assessment should be made as to what roof pitch may be practically achieved, as a matter of fact and degree, depending on the circumstances. In this instance, as suggested above, the appellants have not shown that the roof pitch of the proposed extension would be the same as the original roof pitch so far as practicable.
13. Given the LDC granted for an alternative scheme, and with regard to all other matters raised, I conclude that the sloping roof shown in this application would not have the same degree of pitch as that of the original main roof. On the balance of probabilities, however, it would be practical to achieve a roof of the same pitch. Thus, the proposed rear extension would fail condition A.3(c) and it would not be permitted development by virtue of Class A of Part 1 of Schedule 2 of the amended GPDO. As a consequence, the refusal of the Council to grant a lawful development certificate was well founded.

Formal decision

Appeal ref:- APP/J1915/X/13/2191704

14. The appeal is dismissed.

Ian Currie

INSPECTOR

Appeal Decision

by Brian Cook BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2018

Appeal Ref: APP/P5870/X/16/3164634
213 Banstead Road, Banstead SM7 1QZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Manish Patel and Mrs Preeti Patel against the decision of the Council of the London Borough of Sutton.
- The application Ref A2016/74448/CPU, dated 19 May 2016, was refused by notice dated 30 June 2016.
- 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 two storey rear extension and one storey side extension to create more internal space to satisfy the modern-day standards for the family living and the extended family; outdoor building to create garage.
- This decision supersedes that issued on 26 July 2017. That decision on the appeal was quashed by order of the High Court.

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 considered to be lawful.

Application for costs

2. An application for costs was made by appellants against the Council. This application is the subject of a separate Decision

Procedural Matter and Main Issue

3. As set out in the summary details above this decision supersedes that issued on 26 July 2017 which was quashed. Having considered the grounds of challenge the Secretary of State conceded that the Inspector had erred in her interpretation of Schedule 2, Part 1, Class A.3(c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Since compliance with this condition of the Class is the only matter in dispute between the parties the main issue for my determination of the appeal is whether or not the development proposed would comply with that condition.

Reasons

4. The appeal property is a two-storey detached dwelling. Material to this appeal are the simple gable roof and the two-storey feature to the front elevation which has a gable roof rising from the eaves with the ridge set well below the main roof ridge.

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 19 May 2016 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development described in the application and shown on drawing numbers 02C, 17C, 18D, 34A, 35A, 36C, 37C and 38B would be development permitted by Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and therefore granted planning permission by Article 3(1) of the Order.

Signed

Brian Cook
Inspector

Date: 06 March 2018

Reference: APP/P5870/X/16/3164634

First Schedule

Two storey rear extension and one storey side extension to create more internal space to satisfy the modern-day standards for the family living and the extended family; outdoor building to create garage.

Second Schedule

Land at 213 Banstead Road, Banstead SM7 1QZ

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.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 06 March 2018

by **Brian Cook BA (Hons) DipTP MRTPI**

Land at: 213 Banstead Road, Banstead SM7 1QZ

Reference: APP/P5870/X/16/3164634

Scale: not to scale

