



Appeal Decision

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: APP/R5510/X/25/3370880

28 Raisins Hill, Eastcote HA5 2BS

- 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 Ujwal Kariholu against the decision of the Council of the London Borough of Hillingdon.
 - The application ref 65144/APP/2025/99, dated 15 January 2025, was refused by notice dated 4 March 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 proposed loft conversion involving construction of a rear-facing dormer and 2 x side facing gables and front porch addition.
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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 the appellant has shown that the proposed works benefit from the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) at Article 3(1), Schedule 2, Part 1, Classes B, C and D.

Reasons

4. The detached two storey dwelling in this appeal has an equal pitched hipped roof, with the roof slopes meeting at a central ridge. The proposed works involve erecting a roof enlargement which would wrap around the rear and both side roof slopes, along with the erection of a front porch. The burden is firmly on the appellant to show that an LDC should be granted in respect of the proposed works, the relevant test of the evidence being on the balance of probability.
5. The proposed works would involve the carrying out of 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 the Act at s57(1). At s191(2)(a), the Act provides 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.

6. 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. This is subject to the specified limitations and conditions of that Class, set out in paragraphs B.1 to B.2, being met where relevant. Part 1, Class C grants planning permission for any other alteration to the roof of a dwelling, subject to the limitations and conditions specified in paragraphs C.1 and C.2 being complied with, where relevant. Part 1, Class D grants planning permission for the erection or construction of a porch outside any external door of a dwelling, subject to the limitations specified in paragraph D.1 being complied with where relevant.
7. The Council consider that the proposed roof enlargement would involve substantial demolition, reconfiguring and rebuilding of the roof of the dwelling and so would not constitute additions or alterations to the roof falling within Class B and Class C. In this respect, reference is made to established case law, which confirms that whether works can fairly be said to be 'maintenance' or whether they are properly called 'rebuilding' is a matter of fact and degree.¹ In *Street*, the Court held that the Secretary of State (SoS) had been entitled to conclude that the rebuilding of a dwelling which had been largely demolished to foundation level was not within permitted development. In *Larkin*, it was held that the SoS had been entitled to conclude that the rebuilding of all external walls of a dwelling as a single building operation went beyond works of improvement and so fell outside of permitted development.
8. The proposed roof enlargement would involve cutting into and removing parts of the existing roof of the dwelling, at the rear and at the sides. The appellant's calculations show that around 42% of the existing roof would be removed as part of the proposed roof enlargement, with about 58% remaining in situ. The Council did not query the accuracy of the appellant's calculations and following my own assessment, based on the available evidence, there is no sound reason why I should do so.
9. As a result, with more than half not being removed, the greater part of the existing roof of the dwelling would be retained in the proposed roof enlargement. In my view and as the appellant pointed out, a number of considerations, including minimising construction costs as well as limiting the effects on the continued occupation of the dwelling during the building works, mean that, in practice, the proposed roof enlargement is unlikely to involve removal of more of the existing roof structure than as set out above.
10. The facts and circumstances in the current appeal are in marked contrast to those in the appeal decision referred to by the Council. That case involved works which would have included erecting a rear dormer and a hip to gable roof, completely removing the rear section of the existing roof and its eaves in the process. In dismissing the appeal, the Inspector concluded that based on the submitted evidence, carrying out the proposed works as a single building operation would lead to little, if anything, of the existing roof structure remaining and would amount to a new roof structure rather than an enlargement of the existing roof.² In addition, by retaining more than half of the existing roof there is a clear difference between the proposed works in the current appeal and the facts and circumstances in *Street* and *Larkin*.

¹ *Street v MHLG & Essex CC* [1965] 193 EG 537 & *Larkin v Basildon DC* [1980] JPL 407

² Appeal Ref: APP/R5510/X/23/3314443

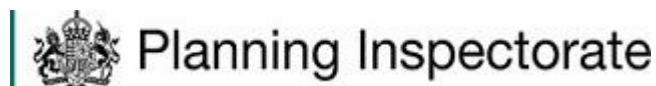
11. The Council also referred to two LDC applications involving proposed works to the roof of dwellings, recently refused for similar reasons to in this appeal. However, given the scale and magnitude of the proposed works in those instances, including in one case completely changing the original roof form, the effects on the existing roof structures would probably have been more extensive, compared to the proposed roof enlargement. In any event, I have to determine this appeal on the basis of planning law and the individual facts and circumstances applying in this case.
12. Therefore, as a matter of fact and degree, in my judgement the proposed roof enlargement would not involve more than an addition or alteration to the roof of the dwelling and so would fall within the scope of the works permissible under Class B and Class C. It follows that the proposed roof enlargement would be granted planning permission by the GPDO provided there is no breach of the relevant limitations and conditions in those Classes.
13. There is no dispute that the proposed roof enlargement would not breach any of the relevant size and locational limitations in paragraph B.1 of Class B. In particular, the height of the existing roof would not be exceeded and the cubic content would not be greater than 50m³. Nor would the proposed roof enlargement breach the conditions in paragraph B.2 requiring the use of external materials similar to those of the existing dwelling, the setting back from the eaves by at least 0.2m and the windows in side elevations being obscure glazed. There is also no dispute that the proposed roof enlargement would not breach the relevant limitations and conditions in paragraphs C.1 and C.2 of Class C and that the proposed porch would not breach the relevant limitations in Class D. Having undertaken my own assessment in respect of these matters, there is no sound reason why I should find otherwise.
14. Accordingly, based on the available evidence, on the balance of probability and in the light of the particular circumstances before me, the appellant has shown that the proposed works are granted planning permission by the GPDO at Article 3(1), Schedule 2, Part 1, Classes B, C and D and are lawful for planning purposes.

Conclusion

15. 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 for the proposed loft conversion involving construction of a rear-facing dormer and 2 x side facing gables and a front porch addition 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 15 January 2025 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black 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:

On the balance of probability, planning permission is granted for the proposed works (as shown on drawing references: 0418-PLA-01_A ; 0418-PLA-02_A; 0418-PLA-03_A; 0418-PLA-04_A; 0418-PLA-05_A; 0418-PLA-06_A; 0418-PLA-60_A: 0418-PLA-61_A; 0418-PLA-62_A; 0418-PLA-63_A; 0418-PLA-64_A & Location Plan) by Article 3(1), Schedule 2, Part 1, Class B, Class C and Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

Stephen Hawkins

Inspector

Date: **19 June 2026**

Reference: APP/R5510/X/25/3370880

First Schedule

Loft conversion involving construction of a rear-facing dormer and 2 x side facing gables and front porch addition

Second Schedule

Land at 28 Raisins Hill, Eastcote HA5 2BS

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 the Lawful Development Certificate dated: **19 June 2026**

by **Stephen Hawkins MA, MRTPI**

Land at: 28 Raisins Hill, Eastcote HA5 2BS

Reference: APP/R5510/X/25/3370880

Scale: Not to Scale

