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## Appeal Decision

Site visit made on 4 February 2026

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

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**Appeal Ref: APP/R5510/X/24/3338982**

**28 Westholme Gardens, Ruislip, Hillingdon HA4 8QJ**

- 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 David Leys against the decision of the Council of the London Borough of Hillingdon.
  - The application ref 68565/APP/2023/3453, dated 28 November 2023, was refused by notice dated 22 January 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 a side dormer.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. For an LDC to be granted under section 192 of the Town and Country Planning Act 1990 (1990 Act), the appellant must demonstrate, on the balance of probability, that the proposed development would have been lawful on the date of the application. The relevant date for determining whether the loft conversion with a side dormer would have been lawful is 28 November 2024.
3. The appellant has submitted detailed plans as well as a site location plan. The drawings are referenced as Location Plan, Drawing ref A101- existing elevation and floor plans; plans, A102- Proposed elevation and floor plans A102- Proposed elevation and floor plans (annotated) and A103- An axonometric drawing. There are two A102- Proposed elevation and floor plans, but as the Council's Decision Notice references the annotated version in the schedule of plans, I have had regard to this drawing when making my determination.
4. Matters such as planning policies and the effect of the proposal on the character and appearance of the area are not relevant. My determination is made solely on matters of fact, planning law, and application of judicial authority.

### Main Issue

5. The main issue is whether the Council's refusal to issue a certificate of lawfulness in respect of the loft conversion with a side dormer was well-founded.

## Reasons

6. In an application for an LDC, the onus is on the applicant to demonstrate that the proposed development would be lawful. Section 191(2)(a) and (b) sets out that uses and operations are lawful at any time if: (i) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and (ii) They do not constitute a contravention of any enforcement notice then in force.
7. I have not been made aware of an enforcement notice being in force on the land or any planning permission being granted for the development. As such, the main issue turns on whether the proposed development would benefit from planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof granted by Article 3, Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (“the Order”).
8. The Appeal Form indicates that the proposed loft conversion to the detached house meets the permitted development allowance of 50 cubic metres volume. However, the Council does not dispute this but indicates that the development is not permitted because part of the dwellinghouse would extend beyond the plane of an existing roof slope which forms the principal elevation. The Council determined that the proposed development would meet all conditions and limitations other than the limitation at B(c). For clarity, this states that development is not permitted by Class B if –  
  
(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse.

### *Principal Elevation*

9. The Permitted Development Rights for Householders Technical Guidance for England 2019 (Technical Guidance) defines the ‘principal elevation’, in most cases, as “that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features, such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.
10. The term “original” in relation to a building is defined in Article 2 of the Order to mean the building “as existing” on 1 July 1948, or, if built on or after that date “, as so built”. The planning history suggests that an extension was permitted in 2012. I do not have details of this addition, but as it relates to a rear extension, I have determined the proposal on the basis that, aside from the rear ground floor extension, the plans are an accurate depiction of the original dwellinghouse.
11. Based on the evidence and my observations during my visit, the dwellinghouse is a detached, two-storey, hipped-roof residential property finished in brown brick and white UPVC windows. The existing ‘front elevation’ as shown on drawing reference A101, and viewed on site, includes the front door with side panel windows with a roof over the porch. There are two small first floor windows, but also a projecting bay window feature on the ground and first floors. The property has a hipped roof, which projects outwards in part to cover the bay window feature. There was a hardstanding

area for parking vehicles at the front. The dwelling is set back from, but fronts, at a slight angle, the vehicle highway at Westholme Gardens.

12. In light of the evidence submitted and my observations on site, the 'front elevation' shown on the elevation plans is consistent with the indicators set out in the guidance that define the principal elevation of a property. In this context, the proposed development would result in the hipped roof being converted to form a gable end to the front and rear elevation, together with a flat roofed side dormer. As the formation of the gable end to the front would extend beyond the plane of the existing hipped roof slope, which forms the principal elevation, the proposed development would be contrary to Schedule 2, Part 1, Class B (c) of the Order.
13. In view of the above, the proposed development would not benefit from deemed planning permission for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof granted by Article 3, Schedule 2, Part 1, Class B of the Order.

#### *Other Matters*

14. I acknowledge that the appellant considers the street scene varied, and the proposal sympathetic to the character of the area. However, matters such as the effect of the proposal on the character and appearance of the property and area are not relevant in an LDC appeal such as this. My determination is made solely on matters of fact, planning law, and application of judicial authority. These considerations, therefore, do not alter my views on whether the works are permitted by the Order.
15. I have also had regard to the fact that the Council only asked for an amendment to the side window during the application process. Although I appreciate that a lack of communication may be frustrating, how the LDC application is dealt with by the Council is outside my remit, and there are separate procedures, such as the Ombudsmen and costs applications, which can consider procedural matters. This would not, however, affect my conclusions on the main issue.

#### **Conclusion**

16. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a loft conversion with a side dormer is well-founded and that the appeal should fail. Accordingly, I will exercise the powers transferred to me in section 195(3) of the 1990 Act (as amended).

*M. P. Howell*

INSPECTOR