LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS 30/03/2015

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2015/0407 **Ward:** Northumberland Park

Date received: 06/02/2015

Drawing number of plans: N1C-100

Address: 92 Tenterden Road N17 8BW

Proposal: Alteration of property from a one-bed to a two bed flat (certificate of lawfulness for an existing use)

Applicant: Mr Yemi Edun Contadora Ltd

Ownership: Private

Site Visit Date: 01/04/2015

Officer contact: Anthony Traub

2. SUMMARY OF RECOMMENDATION

GRANT CERTIFICATE

REASON: The proposal does not constitute 'development' as defined under s55 of the Town and Country Planning Act 1990.

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Proposed development

Alteration of property from a one-bed to a two bed flat

3.2 Site and Surroundings

The application site comprises of a block of flats along Headcorn Road and Tenterden Road.

The building is not listed and is not located within a conservation area.

The surrounding area is residential.

3.3 Relevant Planning and Enforcement history

HGY/2014/1295 GTD 29-07-14 Replacement of 14 existing communal entrance doors with new steel communal entrance doors

4. CONSULTATION RESPONSE

4.1 No consultation was undertaken.

5. LOCAL REPRESENTATIONS

5.1 The following comments have been received:

- Cllr Bevan: Objects to the proposal. Does not meet housing space standards. Evidence needs to scrutinised as to whether the use has been established sufficiently for the certificate to be issued;
- Objection from the Headcorn Tenterden Beaufoy Gretton Residents Association. Considers the work to have been done unlawfully and should not be allow, especially without the approval of the freeholder and the tenants association. The lease holder has not abided by these responsibilities.

6 RELEVANT PLANNING LEGISLATION

s55.1 Town and Country Planning Act 1990 reads:

"55 Meaning of "development" and "new development".

(1)Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(1A) For the purposes of this Act "building operations" includes—

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building..."

7 ANALYSIS/ASSESSMENT OF THE APPLICATION

With regards to the above section of the Town and Country Planning Act and definition of development, the proposal is considered to fall outside the definition of development given:

- The proposal involves only internal works with no alteration to the external facade of the building; and
- There is no material change of use.

The proposal is therefore not considered to be development and would therefore not require planning permission.

It is noted that there are objections to the scheme, however, the legality by which the lease holder has undertaken the works is not a matter that is material to the consideration of this application, nor is there a need to prove that the works have been in existence for 4 years given there is no change of use and the proposal does not constitute development.

7. CIL APPLICABLE

There would be no increase in floor area and therefore the proposal is not liable for the Major or Haringey's CIL charge.

8. RECOMMENDATION

GRANT CERTIFICATE

Registered No. HGY/2015/0407

Applicant's drawing No.(s) N1C-100

For the following reason:

REASON: The proposal does not constitute 'development' as defined under s55 of the Town and Country Planning Act 1990.