LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS 03/07/2015

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2015/1423 **Ward:** Crouch End

Date received: 13/05/2015

Last amended date: NA

Drawing number of plans: No. 2

Address: Altior Court 74-76 Shepherds Hill N6 5RJ

Proposal: Certificate of lawfulness for turning Flats 35 and 36 into a single residential unit

Applicant: Mr Peter Watson

Ownership: Private

Case Officer: Robbie McNaugher

2. RECOMMENDATION

GRANT CERTIFICATE

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

None

4. DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for turning Flats 35 and 36 into a single residential unit.

5. RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This not a planning application but instead the applicant seeks confirmation that the proposed development is lawful.

6. ANALYSIS/ASSESSMENT OF THE APPLICATION

The main issue for consideration is whether or not this proposal to join two residential units to form a single dwelling amounts to development requiring planning permission according to the Town and Country Planning Act 1990; if it does not amount to development according to the terms of S.55 of the Town and Country Planning Act 1990, then by definition it would not require planning permission and a Certificate can be issued to confirm that the combination of the units would be lawful.

Section 55(1) of the Town & Country Planning Act 1990 defines “development” as; 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. 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.
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 maintenance, improvement or other alteration of any building or works, which –
i. affect only the interior of the building; or do not materially affect the external appearance of the building.

The internal conversion of the properties from two self contained residential flats into a single flat may amount to a change of use however this change is not material. As it does not result in a material change of use of this property, and would not otherwise amount to development in terms of ‘operations’, then applying the terms of s.55 of the Town and Country Planning Act 1990, the proposed change would not amount to development requiring planning permission, and would therefore be lawful.

The internal works required to convert the building into a single flat would not be held to amount to development under the terms of Section 55 of the Town and Country Planning Act 1990.

There are no Conditions attached to previous planning permissions, or other planning restrictions, that would result in the proposed amalgamation requiring planning permission.

The proposed amalgamation of the two self-contained units to form one self-contained would not amount to a material change of use and would not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended), nor would the internal works required to convert the two units into a single residential unit. Planning permission is therefore not required for the proposal.

7.0 CIL APPLICABLE

NA

8.0 SUMMARY AND CONCLUSION

The proposed amalgamation of the two self-contained units to form one self-contained unit would not amount to a material change of use and would not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended), nor would the internal works required to convert the two units into a single residential unit. Planning permission is therefore not required for the proposal.

9.0 RECOMMENDATION

Grant Certificate/ Refuse Certificate

Registered No. HGY/2015/1423

Applicant's drawing No.(s) No. 2

In pursuance of their powers under the above Acts and Order the London Borough of Haringey as local planning Authority hereby CERTIFY that the above proposal described by the applicant constitutes PERMITTED DEVELOPMENT and is therefore LAWFUL.