LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS 31/07/2015

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2015/1805 **Ward:**

Date received: 22/06/2015

Drawing number of plans: 001-001 to 007-007 inclusive

Address: 28 Mattison Road N4 1BD

Proposal: Certificate of lawfulness for the conversion of existing loft space to a habitable room with rear dormer extension and roof lights to front roof slope

Applicant: Mr Sydney Cathan

Ownership: Private

Site Visit Date: 03/08/2015

Case Officer: Anthony Traub

2. RECOMMENDATION

REFUSE CERTIFICATE

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

None.

4. DETAILS OF PROPOSAL

Certificate of lawfulness for the conversion of existing loft space to a habitable room with rear dormer extension and roof lights to front roof slope

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. As such, the impact of the proposed development of the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

6. ANALYSIS/ASSESSMENT OF THE APPLICATION

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

A certificate Lawfulness for a erection of rear dormer and hip to gable extension can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Part 1, Class B 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof'.

The current proposal will be assessed against these requirements as follows:

Class B.1. Requirement	Comment	Complies
a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);		Yes
b) The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse.		Yes
c) The enlarged part of the dwellinghouse would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.		Yes
d) The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than i) 40 cubic metres in the case of a terrace house ii) 50 cubic metres in any other case;	Main dormer = 3.8 x 5 x 2.4 / 2 = 22 m3 Outrigger dormer = 3.1 x 3.2 x 2.6 = 25 m3 Total cubic content = 47.84m3	No.
e) it would not consist of or include— (i)the construction or provision of a veranda, balcony or raised platform, or (ii)the installation, alteration or replacement of a chimney, flue or soil and vent pipe		Yes
f) The dwellinghouse is not on article 1(5) land.		Yes

Development is permitted by Class B subject to the following conditions:

B.2. Conditions	Comment
(a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.	Complies
(b) The enlargement must be constructed so that— (ii) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the	Complies

eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse	
Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	N/a

Class C: Any other alteration to the roof of a dwellinghouse

A certificate Lawfulness for a can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Part 1, Class C 'Any other alteration to the roof of a dwellinghouse'.

The current proposal will be assessed against these requirements as follows:

Class C.1. Requirement	Comment	Complies
(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);		Yes
b) The alteration would not protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.		Yes
c) It would not result in the highest part of the alteration being higher than the highest part of the original roof.		Yes
d) It would not consist of or include— (i)the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii)the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.		Yes

Development is permitted by Class C subject to the following conditions.

C.2. Conditions	Comment
Any window located on a roof slope forming a side elevation of the dwellinghouse shall be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres	N/a

above the floor of the room in which the window is installed;	

7.0 CIL APPLICABLE

The increase in internal floor area would not exceed 100sqm and therefore the proposal is not liable for the Major's CIL charge.

8.0 SUMMARY AND CONCLUSION

The proposed development would not constitute permitted development by virtue of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 and requires Planning Permission

9.0 RECOMMENDATION

Refuse Certificate

Registered No. HGY/2015/1805

Applicant's drawing No.(s) 001-001 to 007-007 inclusive

REASON: The proposed development would not constitute permitted development by virtue of Criterion (d) of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 and requires Planning Permission