LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0601 **Ward:** Stroud Green

Date received: 29/02/2016

Last amended date: DD/MM/YYYY

Drawing number of plans: 6226_S-01 Proposed Plan and 6226_S-02 Proposed Elevation/ Section

Address: 31 Nelson Road N8 9RX

Proposal: Certificate of Lawfulness for construction of garden studio to rear of property

Applicant: Ms Victoria John Martyn Clarke Architecture

Ownership: (Private)

Case Officer: Sarah Madondo

2. RECOMMENDATION

GRANT CERTIFICATE

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

HGY/2004/0931 PERM DEV 25-05-04 31 Nelson Road London Certificate of Lawfulness for erection of a single storey rear extension.

HGY/2015/2090 GTD 11-09-15 31 Nelson Road London Demolition of the existing rear addition and rear projection of the property, and construction of a new 2 storey rear extension and conversion of the front eaves in the loft to habitable space

4. DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for the construction of garden studio to rear of property

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 E: The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

A certificate Lawfulness for a erection of garden shed can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (Amendment) (No.2) (England) Order 2008 – Part 1, Class E 'The provision within the curtilage of the dwellinghouse of:
(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.'

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

Class E.1. Requirement	Comment	Complies
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)		Yes
b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);		Yes
c) no part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;		Yes
d) the building would not have more than one storey		Yes
e) the height of the building, enclosure or container would not exceed— (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case		Yes
f) the height of the eaves of the building would not exceed 2.5 metres;	2.5 to the eaves	Yes
g) the building, enclosure, pool or container would not be situated within the curtilage of a listed building;		Yes
h) it would not include the construction or provision of a veranda, balcony or raised platform;		Yes
i) it does not relate to a dwelling or a microwave antenna;		Yes
j) the capacity of the container would not exceed		

3,500 litres		

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

E.2. Condition	Comment
In the case of any land within the curtilage of the dwellinghouse which is within— (a) a World Heritage Site, (b) a National Park, (c) an area of outstanding natural beauty, or (d) the Broads, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	Yes
E.3 Condition	**Comment**
In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	Yes

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 constitutes permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be lawful.

9.0 RECOMMENDATION

Grant Certificate

Registered No. HGY/2016/0601

Applicant's drawing No.(s) 6226_S-01 Proposed Plan and 6226_S-02 Proposed Elevation/ Section

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.