

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/2700

Ward: Highgate

Date received: 14/10/2022

Drawing number of plans: 557 EXOS, 557 EX00, 557 EX01, 557 EX02, 557 EX03, 557 EX04, 557 EX05, 557 EX06, 557 EX07, 557 EX08, 557 PD00 A, 557 PD01 A, 557 PD02 A, 557 PD03 A, 557 PD04 A, 557 PD05 A, 557 PD06 A, 557 PD07 B, 557 PD08 B, 557 PD09 and 557 PD10.

Address: 23 Bancroft Avenue N2 0AR

Proposal: Certificate of lawfulness for proposed: single storey rear extension, rear dormer, 2no. hip to gable roof extensions, 3no. front rooflights, front porch, new windows and outbuilding.

Applicant: Mr Abid Chaudhri

Case Officer: James Mead

2. RECOMMENDATION

GRANT CERTIFICATE.

3. RELEVANT PLANNING HISTORY

- HGY/2016/3823: Loft conversion with rear dormer, front extension over garage and new porch, and reconstruction of conservatory with roof terrace above. Refused.

4. DETAILS OF PROPOSAL

This application seeks a certificate of lawfulness for the proposed construction of a single storey rear extension, the erection of hip to gable roof extensions, the addition of a rear dormer, the installation of three front rooflights, the erection of a front porch, the insertion of new windows and the construction of a detached outbuilding.

5. RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development on 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 A: The enlargement, improvement or other alteration of a dwellinghouse

A certificate of lawfulness for a single storey rear extension and new windows 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 A ‘enlargement, improvement or other alteration of a dwellinghouse’.

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

Class A.1. Requirement	Comment	Complies
(a) permission to use the dwellinghouse as a dwellinghouse has <u>not</u> been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);		Yes.
b) The extension will <u>not</u> exceed more than 50% of the total curtilage of the site;		Yes.
c) The height of the part of the dwellinghouse enlarged, improved or altered would <u>not</u> exceed the height of the highest part of the roof of the existing dwellinghouse;		Yes.
d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would <u>not</u> exceed the height of the eaves of the existing dwellinghouse;		Yes.
e) The enlarged part of the dwellinghouse would <u>not</u> extend beyond a wall which— (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse;		Yes.
f) The enlarged part of the dwellinghouse would have a single storey and would <u>not</u> — (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;		Yes.
(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	NB- subject to condition A.4 prior notification.	N/A.

h) The enlarged part of the dwellinghouse would have more than one storey and— (i) does <u>not</u> extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) would <u>not</u> be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;		N/A.
i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would <u>not</u> exceed 3 metres;		Yes.
j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would <u>not</u> — (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse;		Yes.
ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would <u>not</u> exceed the limits set out in sub-paragraphs (e) to (j);		N/A.
k) It would <u>not</u> consist of or include— (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse;		Yes.
l) the dwellinghouse was <u>not</u> built under Part 20 of this Schedule (construction of new dwellinghouses).		Yes.
A.2. In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if— (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles; (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse; (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in		N/A.

sub-paragraphs (b) and (c).		
-----------------------------	--	--

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

A.3. Conditions	Comment
(a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Complies – The materials used would match those used in the construction of the exterior of the existing dwellinghouse.
(b) 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; and;	Complies – Annotation has been added to the drawings to note that new first floor windows would be fitted with obscure glazing and would be non-opening up to 1.7 metres above the floor of the room in which the window would be installed.
(c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A.

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

A certificate of lawfulness for a formation of rear dormer and the hip to gable extensions 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 <u>not</u> been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);		Yes.
b) Any part of the dwellinghouse would <u>not</u> , as a result of the works, exceed the height of the highest part of the existing roof;		Yes.

c) Any part of the dwellinghouse would <u>not</u> , as a result of the works, 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 <u>not</u> 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;	Total cubic content = 47.5m ³	Yes.
e) it would <u>not</u> 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 <u>not</u> on article 2(3) land;		Yes.
g) the dwellinghouse was <u>not</u> built under Part 20 of this Schedule (construction of new dwellinghouses).; or		Yes.
h) the existing dwellinghouse has <u>not</u> been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).		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.	Compliant – The materials used would match those used in the construction of the exterior of the existing dwellinghouse.
(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 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	Compliant – The edge of the dormer closest to the eaves of the original roof would not be less than 0.2 metres from the eaves. No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

original dwellinghouse	
c) 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.	Compliant – Annotation has been added to the drawings to note that new second side floor windows would be fitted with obscure glazing and would be non-opening up to 1.7 metres above the floor of the room in which the window would be installed.

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

A certificate of lawfulness for the installation of three front rooflights 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 <u>not</u> been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);		Yes.
b) The alteration would <u>not</u> 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 <u>not</u> result in the highest part of the alteration being higher than the highest part of the original roof;		Yes.
d) It would <u>not</u> 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.
e) the dwellinghouse was <u>not</u> built under Part 20 of this Schedule (construction of new dwellinghouses).		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 above the floor of the room in which the window is installed;	N/A – No rooflights are to be inserted into a side elevation of the dwellinghouse. The second floor side windows form part of the roof enlargement considered under Class B.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

A certificate of lawfulness for the erection of a porch can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (Amendment) (No.2) (England) Order 2015 – Part 1, Class D ‘The erection or construction of a porch outside any external door of a dwellinghouse.’

Class D.1. Requirement	Comment	Complies
a) permission to use the dwellinghouse as a dwellinghouse has <u>not</u> been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);		Yes.
b) the ground area (measured externally) of the structure would <u>not</u> exceed 3 square metres;		Yes.
c) any part of the structure would <u>not</u> be more than 3 metres above ground level;		Yes.
d) any part of the structure would <u>not</u> be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or		Yes.
e) the dwellinghouse was <u>not</u> built under Part 20 of this Schedule (construction of new dwellinghouses).		Yes.

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 the erection of an outbuilding can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (Amendment) (No.2) (England) Order 2015 – 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 <u>not</u> been granted only by virtue of Class G, M, MA, N, P, PA 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 <u>not</u> exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);		Yes.
c) <u>no</u> 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 <u>not</u> have more than one storey;		Yes.
e) the height of the building, enclosure or container would <u>not</u> 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 <u>not</u> exceed 2.5 metres;		Yes.
g) the building, enclosure, pool or container would <u>not</u> be situated within the curtilage of a listed building;		Yes.
h) it would <u>not</u> include the construction or provision of a veranda, balcony or raised platform;		Yes.
i) it does <u>not</u> relate to a dwelling or a microwave antenna;		Yes.
j) the capacity of the container would <u>not</u> exceed 3,500 litres;		N/A.
k) the dwellinghouse was <u>not</u> built under Part 20 of this Schedule (construction of new dwellinghouses).		Yes.

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.	N/A.
E.3 Condition	Comment
In the case of any land within the curtilage of the dwellinghouse which is article 2(3) 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.	N/A.

8.0 SUMMARY AND CONCLUSION

The proposed development constitutes permitted development by virtue of Schedule 2, Part 1, Classes A, B, C, D & 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/2022/2700

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.