

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/2683

Ward: Highgate

Date received: 13/10/2022

Drawing number of plans: LP01 Rev 1.0, GA01-PD Rev 1.0, GA05.2-PD Rev 1.0, GA05.3-PD Rev 1.0, GA06-PD Rev 1.0 and GA06.1 Rev 1.0.

Address: 12 Causton Road N6 5ES

Proposal: Certificate of lawfulness for proposed installation of 2no. timber side windows, installation of rear sliding doors and erection of detached outbuilding.

Applicant: Mr & Mrs James and Eleanor Mountain

Case Officer: James Mead

2. RECOMMENDATION

GRANT CERTIFICATE.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

- HGY/2022/2173: Removal of existing front and rear dormers. Installation of new replacement front and rear dormers. Granted.
- HGY/2010/1563: Demolition of existing 2 single storey rear extensions and erection of single storey rear extension. Granted.
- HGY/1990/0081: Alteration to include loft conversion to create 2 single bedrooms and shower room and 2 front and rear dormers with ground floor conservatory. Granted.

4. DETAILS OF PROPOSAL

This application seeks a certificate of lawfulness for the addition of two ground floor side windows, the installation of new rear aluminium sliding doors and the erection 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 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 the addition of two ground floor side windows and the installation of new rear sliding doors 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 total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) <u>will not</u> exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);		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;	N/A.	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;	N/A.	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;	N/A.	Yes.
(f) the enlarged part of the dwellinghouse would have a single storey and— (i) <u>not</u> 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) <u>not</u> exceed 4 metres in height;	N/A.	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) <u>not</u> 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) <u>not</u> exceed 4 metres in height;	N/A.	Yes.
(h) the enlarged part of the dwellinghouse would	N/A.	Yes.

have more than a single storey and— (i) <u>not</u> extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) <u>not</u> be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;		
(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;	N/A.	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 a single storey, or (iii) have a width greater than half the width of the original dwellinghouse;	N/A.	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.	Yes.
(k) it would <u>not</u> consist of or include— (i) the construction or provision of a verandah, 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.; or		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 <u>not</u> 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; or (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 sub-paragraphs (b) and (c).		Yes.

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 new timber windows would be of similar appearance to the existing windows of the property. The new rear sliding doors would be of similar appearance to the existing rear sliding doors.
(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	N/A.
(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 E: the The provision within the curtilage of 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 construction 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) any part of the building, enclosure, pool or container would <u>not</u> 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 a single 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 <u>does 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 <u>was 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,	N/A.

pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	
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.	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, Classes A & 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/2022/2683

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.