

Officer's Report

Application Number HGY/2022/3481
Type Lawful development: Proposed use
Location 12, Bancroft Avenue, London, N2 0AS
Proposal Certificate of lawfulness for the erection of two storey rear extension with rear and side roof extension.
Case Officer Michelle Meskell
Valid Date 03/10/2022
Applicant Mr & Mrs Brett
Agent Mr Ian Bolt

RECOMMENDATION

Permitted Development

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
(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 <u>installed</u> ; and	Complies
(c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	

RECOMMENDATION

GRANT CERTIFICATE

RELEVANT PLANNING AND ENFORCEMENT HISTORY

HGY/2022/3480 - Certificate of lawfulness proposed use for the erection of single storey rear outbuilding. (Pending Decision)

HGY/2022/3482 – Certificate of lawfulness proposed use for the construction of an outbuilding for use incidental to the enjoyment of the main dwelling.

HGY/2022/2579 - Erection of single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3m and for which the height of the eaves would be 3m

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness proposed for the erection of two storey, 3m deep rear extension with a side and rear wrap around dormer to the existing roof.

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.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Class A: Development within the curtilage of a dwellinghouse

A certificate of lawfulness for a single storey rear 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 A 'development within the curtilage 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 been</u> granted only by virtue of Class M, N, P 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, <u>improved</u> 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, <u>improved</u> 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) fronts a highway, and (ii) forms either the principal elevation or 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.		N/A
(g) until 30th May 2019, 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 not extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) would not be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.	Extends 3m from rear dwellinghouse.	Yes
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;	Extension is not within 2m of the boundary	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 (ii) have a width greater than half the width of the original dwellinghouse;		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, <u>alteration</u> 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
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 <u>tiles</u> ; (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.		N/A

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



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 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:





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.

SUMMARY AND CONCLUSION

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

RECOMMENDATION

Grant Certificate