

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/2782

Ward:

Date received: 04/10/2022

Drawing number of plans: LL.377.LP; LL.377.EX.01; LL.377.EX.02; LL.377.PR.L.01; LL.377.PR.L.02; LL.377.PR.101; Planning Statement prepared by Eade Planning Ltd dated October 2022.

Address: 377 Lordship Lane N17 6AE

Proposal: Certificate of lawfulness for proposed loft conversion including a rear dormer window and for the erection of a rear outbuilding.

Applicant: Mr Mordechai Stern Rearvale Limited

Ownership: (Private)

Case Officer: Kwaku Bossman-Gyamera

2. RECOMMENDATION

GRANT CERTIFICATE

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

No relevant planning history

4. DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for a loft conversion with a rear dormer window, including the formation of a rear garden 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 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 of lawfulness for a formation of rear dormer 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 <u>not</u> 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 <u>not</u> exceed the height of the highest part of the roof of the existing dwellinghouse.		Yes
c) The enlarged part of the dwellinghouse would <u>not</u> 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;	*Calculations* <u>Dormer</u> (W) 5.733m x (D) 4.053m x (H) 2.309m /1/2 = 26.835m³	Yes Less than 40 cubic metres for a terrace house.
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

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.	Materials would match existing

(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 original dwellinghouse	Complies
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.	Complies

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 <u>not</u> 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 <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
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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;	Complies

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 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 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 <u>not</u> exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	Covers less than half of the area of land around the ‘original’ house’	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;	To the rear of the dwelling-house	Yes
d) the building would <u>not</u> have more than one storey	Single storey structure	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	Maximum eaves height of 2.5m	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;		
h) it would <u>not</u> include the construction or provision of a veranda, balcony or raised platform;	No verandas, balconies or raised platforms	Yes
i) it <u>does not</u> relate to a dwelling or a microwave antenna;	N/B	Yes
j) the capacity of the container would <u>not</u> exceed 3,500 litres	N/B	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.	Not in designated land
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.	Not in designated land

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 B, C and 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/2022/2782

Applicant's drawing no. (s)

LL.377.LP;LL.377.EX.01;LL.377.EX.02;LL.377.PR.L.01;LL.377.PR.L.02;LL.377.PR.101;Plan
ning Statement prepared by Eade Planning Ltd dated October 2022;

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.