

Officer's Opinion



Case Number	HGY/2022/3526
Type	Lawful development: Proposed use
Location	60, Roseberry Gardens, London, N4 1JL
Proposal	Certificate of lawfulness for erection of a rear dormer and roof extension including the relocation of 1x front rooflight and installation of 1x new front and 1x and 1x rear rooflights - proposed use
Case Officer	Mercy Oruwari
Review Date	05 December 2022
Applicant	Mr David Rubiera Conesa
Agent	Mr Charles Coull

Opinion

RECOMMENDATION - Approve.

Relevant Planning and Enforcement history

- HGY/20118/0105 - Certificate of lawfulness for erection of a single storey rear extension including insertion of 1 x rooflight to rear elevation. Permission not required

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for the erection of a rear dormer and roof extension including the relocation of 1x front rooflight and installation of 1x new front and 1x and 1x rear rooflights - proposed use.

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 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:

Class B.1. Requirement

a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use); **Proposal complies.**

b) The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse. **Proposal complies.**

c) The enlarged part of the dwellinghouse would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

Proposal complies.

d) The cubic content of the resulting roof space would not 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;

MAIN ROOF DORMER = (W) 4.5 x (H) 2.5 x (D) 3.5/2 = 19.6 cubic metres

VOLUME OUTRIGGER DORMER = Upper section - (W) 2.7 x (H) 1.1 x (D) 3.3 + Lower section (W) 2.7 x (H) 1.5 x (D) 3.3/2 = 16.4 cubic metres

TOTAL PROPOSED VOLUME OF ROOF EXTENSION = 36 cubic metres

Maximum volume allowance for terraced house is 40 cubic metres

Proposal complies.

e) it would not 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

Proposal complies.

f) The dwellinghouse is not on article 2(3) land (conservation area)

Proposal complies.

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

B.2. Conditions

(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.

(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

Proposal 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. **Proposal complies**

(AP.05.03 Rev B)

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

(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Proposal complies.

b) The alteration would not 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.

Proposal complies.

c) It would not result in the highest part of the alteration being higher than the highest part of the original roof.

Proposal complies.

d) It would not 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.

Proposal complies.

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

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

Proposal complies (AP.05.03 Rev B)

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 B and C of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be lawful.

RECOMMENDATION

Grant

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.