

Officer's Report

Application Number	HGY/2022/4021
Type	Lawful development: Proposed use
Location	251, Albert Road, Wood Green, London, N22 7XL
Proposal	Certificate of lawfulness proposed for the erection of porch, rear extension, dormer with installation of velux rooflights and outbuilding.
Case Officer	Michelle Meskell
Valid Date	07/11/2022
Applicant	MR DAN DIANA
Agent	mr Dan Diana

RECOMMENDATION

Permitted Development

RECOMMENDATION

GRANT CERTIFICATE

RELEVANT PLANNING AND ENFORCEMENT HISTORY

HGY/2022/1981 - Erection of single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3.85m and for which the height of the eaves would be 2.95m

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness proposed for the erection of porch, rear extension, dormer with installation of velux rooflights and outbuilding.

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 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:

A.1 Development is not permitted by Class A if -

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

(b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **The increase in the area of ground covered would not be in breach of 50% tolerance test and therefore complies.**

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **Proposal complies.**

(d) The height of the eaves of part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **Proposal complies.**

(e) The enlarged part of the dwellinghouse would extend beyond a wall which-

(i) Forms the principal elevation of the original dwellinghouse; **Not applicable** or

(ii) Fronts a highway and forms a side elevation of the original dwellinghouse; **Not applicable**

(f) 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 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwelling-house; **Proposal extends beyond the rear all of the original dwellinghouse by 6m approved prior approval HGY/2022/1981**

(ii) Exceed 4 metres in height; **Maximum height is 3.85 and therefore the proposal complies.**

(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

(ii) exceed 4 metres in height; **N/A**

(h) The enlarged part of the dwellinghouse would have more than a single storey and-

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or; **Not applicable as single storey.**

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse; **Not applicable as single storey.**

(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 exceed 3 metres; The eaves of the extension would be 2.95m and therefore complies.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-

(i) Exceed 4 metres in height, **Proposal complies**

(ii) Have more than a single storey, or **Not applicable**

(iii) Have a width greater than half the width of the original dwellinghouse **Proposal complies**

(ja) 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 (e) to (j); **Proposal complies**

(k) It would 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 dwellinghouse **Above non-applicable**

(l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **Proposal complies.**

A.2 Article 2(3) land

In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—(The dwellinghouse is not on article 2(3) land and as such the following are not applicable).

(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 a single storey and extend beyond the rear wall of the original dwellinghouse.

A3. Conditions

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

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior or the existing dwellinghouse; **Materials to match**
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7m metres above the floor of the room in which the window is installed. **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 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 = 22.75 cubic metres
- 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)
Not applicable.

Development is permitted by Class B subject to the following 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. **Materials match.**
- (b) The enlargement must be constructed so that—
 - (i) 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.**

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; **Not applicable.**

Class D: Permitted development rights for the erection of a porch outside any external door of a house..

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) (England) Order 2015 – Part 1, Class D ‘The erection or construction of a porch outside any external door of a dwellinghouse’

(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 ground area (measured externally) of the structure would exceed 3 square metres; **Proposal complies.**

(c) any part of the structure would be more than 3 metres above ground level; or **Proposal complies.**

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway. **Proposal 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:

(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); **Proposal complies.**

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **Proposal complies.**

(c) any 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; **Proposal complies.**

(d) the building would have more than a single storey; **Proposal is a single storey.**

(e) the height of the building, enclosure or container would exceed— **Complies height is 2.5m**

(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;

(f) the height of the eaves of the building would exceed 2.5 metres; **Complies height is 2.5m**

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building; **Not applicable.**

(h) it would include the construction or provision of a verandah, balcony or raised platform; **Not applicable.**

(i) it relates to a dwelling or a microwave antenna; or **Not applicable.**

(j) the capacity of the container would exceed 3,500 litres. **Not applicable.**

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

E.2. Condition

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.

Above non-applicable

E.3. Condition

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. **Proposal complies.**

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.

RECOMMENDATION

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

INFORMATIVE: The applicant is reminded that in order for the proposed extension and alterations to comply with Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), 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.