

Officer's Report

Application Number	HGY/2022/3537
Type	Lawful development: Proposed use
Location	43, Stanhope Gardens, London, N6 5TT
Proposal	Certificate of lawfulness: proposed use for the construction of an outbuilding in the rear garden
Case Officer	Sabelle Adjagboni
Valid Date	13/10/2022
Applicant	Mr Simeloff and Ms Marinkov Jones
Agent	Mr Adam Philpotts

RECOMMENDATION

Permitted Development

RECOMMENDATION

GRANT CERTIFICATE

Relevant Planning and Enforcement history

HGY/2019/2427 | Single storey side and rear extension, rear dormer roof extension, installation of solar panels and rooflight inside roof slope, partial re-rendering parts of the property with external wall insulation, creation of patio area, replacement of single glazed timber doors and windows with double glazed timber doors and windows.

Approved

4. DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for the construction of an outbuilding in the rear garden.

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 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

(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 not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Proposal Complies

c) no 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 not have more than one storey

Proposal Complies

e) the height of the building, enclosure or container would not 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

Proposal Complies

f) the height of the eaves of the building would not exceed 2.5 metres;

Proposal Complies

g) the building, enclosure, pool or container would not be situated within the curtilage of a listed building;

Proposal Complies

h) it would not include the construction or provision of a veranda, balcony or raised platform;

Proposal Complies

i) it does not relate to a dwelling or a microwave antenna.

Proposal Complies

j) the capacity of the container would not exceed 3,500 litres

Proposal Complies

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.

Proposal Complies

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

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 would not constitute permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 and requires Planning Permission

9.0 RECOMMENDATION

Grant Certificate

Registered No. HGY/2022/3537

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.