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Section 192 of the Town and Country Planning Act
1990

Planning Statement

To accompany an application for a
Lawful Development Certificate for the
Proposed

**“Erection of a ground floor rear extension, front porch, rear roof
dormer and front rooflights”**

At

32 Ermine Road,
London, N15 6DD

By

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Introduction

1. This is an application for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 for the operations proposed to be carried out on land at 32 Ermine Road, London, N15 6DD.
2. The proposal is lawful pursuant to Class A, Class B and Class D of Part 1 of Schedule 2 to the GPDO which allow for *the enlargement, improvement or other alteration of a dwellinghouse, for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, and the erection or construction of a porch outside any external door of a dwellinghouse.*
3. Section 192 of the Town and Country Planning Act 1990 provides that,
 - (1)*If any person wishes to ascertain whether—
 - (a)any proposed use of buildings or other land; or
 - (b)any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.*
- (2)*If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time*

of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

- (a) specify the land to which it relates;*
- (b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);*
- (c) give the reasons for determining the use or operations to be lawful; and*
- (d) specify the date of the application for the certificate.*

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

The land

- 4. The land is at 32 Ermine Road, London, N15 6DD.
- 5. The property is a terraced house.
- 6. The site is not located a Conservation Area and is therefore, not in Article 2(3) land with respect to the GPDO, nor is it a Statutory Listed Building.

The Operations

- 7. The proposal is for the ‘Erection of a ground floor rear extension, front porch, rear roof dormer and front rooflights’.

The Legislative Framework and Relevant Case Law

The Town and Country Planning Act 1990 (as amended)

- 8. By Section 55 of The Town and Country Planning Act 1990, planning permission is required for the carrying out of any development of land.
- 9. By Section 55, some operations or uses of land are not taken to involve ‘development’. These include the carrying out for the maintenance, improvement or other alteration of any building of works which—(i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building, and (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

10. Section 60 – Permission granted by development order, states,

(1) Planning permission granted by a development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in the order.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

11. The Town and Country Planning (General Permitted Development) (England) Order 2015 is such an Order.

Article 3 of the 2015 Order provides inter alia that:

“(1) Subject to the provisions of this Order....., planning permission is hereby granted for the classes of development described as permitted development in Schedule 2 .

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2 .”

12. Article 2 of the Order provides the necessary interpretations. It states:

“dwellinghouse”, except in Part 3 (changes of use), Class B (demolition of buildings) of Part 11 (heritage and demolition), Part 12A (development by local authorities and health service bodies) and Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order, does not include a building containing one or more flats, or a flat contained within such a building; “flat”, except in Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order or in the expression “flat roof”, means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

13. Planning permission is granted under Class A in Part 1 of Schedule 2 of the GPDO for “enlargement, improvement or other alteration of a dwellinghouse”. However, by virtue of condition A.1, such development is not permitted inter alia if-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class [F1G,] M, [F2MA,] N, P [F3, PA] or Q of Part 3 of this Schedule (changes of use);

(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);

- (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;*
- (d) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*
- (e) *the enlarged part of the dwellinghouse would extend beyond a wall which—*
 - (i) forms the principal elevation of the original dwellinghouse; or*
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;*
- (f) *subject to paragraph (g), 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 dwellinghouse, or*
 - (ii) exceed 4 metres in height;*
- (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, or*
 - (ii) exceed 4 metres in height;*
- (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,*
 - (ii) have more than a single storey, or*
 - (iii) have a width greater than half the width of the original dwellinghouse;*

14. Planning permission is granted under Class B in Part 1 of Schedule 2 of the GPDO for *“The enlargement of a dwellinghouse consisting of an addition or alteration to its roof”*. However, by virtue of condition B.1, such development is not permitted inter alia if-

- (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);*
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;*
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;*
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—*
 - (i) 40 cubic metres in the case of a terrace house, or*
 - (ii) 50 cubic metres in any other case;*
- (e) it would consist of or include—*
 - (i) the construction or provision of a verandah, balcony or raised platform, or*
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or*
- (f) the dwellinghouse is on article 2(3) land.*

Conditions

B.2 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;*
- (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; and*

(c) any window inserted on 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 1.7 metres above the floor of the room in which the window is installed.

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascia’s, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

15. Planning permission is granted under Class C in Part 1 of Schedule 2 of the GPDO for *“The erection or construction of a porch outside any external door of a dwellinghouse”*. However, by virtue of condition B.1, such development is not permitted if-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the ground area (measured externally) of the structure would exceed 3 square metres;

(c) any part of the structure would be more than 3 metres above ground level;

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or]

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The reasons for determining the operations to be lawful

Rear Extension

16. The rear extension extends beyond a rear wall and will not have a depth of more than 3m nor will it have a height of more than 3m.

Front Porch

17. The porch will not exceed 3sqm measured externally nor will it be within 2 meters of the boundary with the pavement.

Roof Extension

- 18.As set out in the introduction, the proposed development is to a single dwellinghouse which is a terraced house, and which is not on article 2(3) land.
- 19.The roof extensions will be set back from the eaves by 20cm, will not exceed the height of the highest part of the existing roof, nor will its accumulative roof space exceed 40 cubic meters over the original roof space.
- 20.Condition (d)(i) provides that with a terraced house, up to 40 cubic meters is allowed. It will be noted from the plans that the totality of the roof proposed is less than 40 cubic meters.
- 21.The materials to be used for the external finishes will be of similar appearance to those used in the construction of the exterior of the existing house. No window is proposed on any side elevation.

Rooflights

- 22.The roof lights will not project from the roof plane.

Date of the application for the certificate

- 21.This application is made on 12 December 2022.

Conclusion

- 23.This application provides information that satisfies the claim that the operations described in the application would be lawful if instituted or begun at the time of the application.