

# Officer's Report

|                           |                                             |
|---------------------------|---------------------------------------------|
| <b>Application Number</b> | <b>HGY/2022/4062</b>                        |
| <b>Type</b>               | <b>Lawful development: Proposed use</b>     |
| <b>Location</b>           | 11, Colina Road, Tottenham, London, N15 3JA |
| <b>Proposal</b>           | Roof extension (Certificate of Lawfulness)  |
| <b>Case Officer</b>       | Emily Whittredge                            |
| <b>Valid Date</b>         | 08/11/2022                                  |
| <b>Applicant</b>          | Mr F Cummins                                |
| <b>Agent</b>              | Mr David Mullaly                            |

## **RECOMMENDATION**

### **Permitted Development**

#### **1. Site Description**

The site contains a two storey mid terrace dwelling on the south side of Colina Road. The application describes the property as a licensed HMO, and it is noted that a licence is currently held for a 4-person HMO although there is no planning history for an HMO on this site. This is a separate matter to this application for a certificate of lawfulness, and the granting of this certificate does not indicate that the HMO use is lawful.

#### **2. Details of Proposal**

This is an application for a certificate of lawfulness for a roof extension, to include dormer extensions to the gabled roof, an outrigger projection and front roof lights.

#### **3. 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.

#### **4. 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 outrigger extensions 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);

**Comment** Permission to use the dwellinghouse has not been granted by virtue of these classes.

**Complies** Yes

**Class B.1. Requirement 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.

**Comment** The height of the enlargement would not exceed the highest part of the roof.

**Complies** Yes

**Class B.1. Requirement 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.

**Comment** The enlargement would extend to the sides as there is no existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

**Complies** Yes

**Class B.1. Requirement 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;

**Comment** Main roof extension  $40.131\text{m}^3 - 5.370\text{m}^3 = 34.761\text{m}^3$  Outrigger extension

$2.40 \times 0.96 \times 2.26 = 5.21\text{m}^3$  Total volume  $2.40 \times 0.96 \times 2.26 = 5.21\text{m}^3$

**Complies** Yes

**Class B.1. Requirement 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

**Comment** The development would not include these elements

**Complies** Yes

**Class B.1. Requirement f)** The dwellinghouse is not on article 2(3) land.

**Comment** N/A

**Complies** Yes

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.

**Comment** The external materials used would be of a similar appearance to those used in the construction of the exterior of the dwellinghouse

**B.2. Conditions (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

**Comment** The eaves of the original roof will be maintained or reinstated as far as practicable. Due to the orientation of the gable, the roof slopes down to the party walls so there are no eaves as such.

**B.2. Conditions** 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.

**Comment** No side-facing windows are proposed.

### Class C: Any other alteration to the roof of a dwellinghouse

A certificate Lawfulness for front roof lights 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);

**Comment** The use of the dwellinghouse has not been granted by virtue of Classes M, N, P or Q.

**Complies?** Yes

**Requirement** 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.

**Comment** The proposed roof lights would protrude no more than 150mm beyond the plane of the slope of the original roof.

**Complies?** Yes

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

#### **C.2. 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;

**Comment** No side-facing roof windows are proposed.

#### **5. 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.

#### **6. Summary and Conclusion**

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

#### **7. RECOMMENDATION**

Grant Certificate