

Officer's Report

Application Number	HGY/2023/0017
Type	Lawful development: Proposed use
Location	9 Belton Road, Tottenham, London, N17 6YF
Proposal	A loft conversion to include L-shaped dormer installation of roof lights and erection of outbuilding.
Case Officer	Michelle Meskell
Valid Date	03/02/2023
Applicant	Diarmuid Casey
Agent	mrs Marian Donohue

RECOMMENDATION

Permitted Development

PLANNING HISTORY

The planning history of the site has been taken into account when coming to this decision.

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 a loft conversion to include L-shaped dormer installation of 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 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); **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.

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. **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;

Complies, less than 40 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 –

Complies

f) The dwellinghouse is not on article 2(3) land – **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. Yes- The exterior materials would be of a similar appearance to 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 Yes, the edge of the enlargement would be not less than 0.2m from the eaves.

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.

Yes- No side-facing windows are proposed.

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

A certificate Lawfulness for a formation of a loft conversion to include L-shaped dormer installation of 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); **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. **Complies**

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

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; - No side-facing windows are proposed.

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 for use incidental to the enjoyment of the main dwelling. 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) – **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); **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; **Complies**

d) the building would not have more than one storey.

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. **Complies**

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

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

Complies

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

Complies

i) it does not relate to a dwelling or a microwave antenna; **Complies**

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

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.

N/A

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. **N/A**

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

RECOMMENDATION

Grant Certificate