

Officer's Report

Application Number	HGY/2022/4360
Type	Lawful development: Proposed use
Location	130 Hillfield Avenue, Hornsey, London, N8 7DJ
Proposal	Rear dormer and replacement window (Certificate of lawfulness)
Case Officer	Emily Whittredge
Valid Date	08/12/2022
Applicant	Mr Simon Dixon
Agent	Mr Kerem Aksoy

RECOMMENDATION

Permitted Development

1. Site Description

The site contains a two storey mid terrace dwelling on the north west side of Hillfield Avenue. The site does not fall within a conservation area and does not relate to a listed building.

2. Details of Proposal

This is an application for a certificate of lawfulness for a rear dormer and front roof lights, and a replacement window at the rear first floor level.

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

A certificate of lawfulness for window alterations 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'

Class A.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 has not been granted by virtue of these classes

Complies Yes

Class A.1. Requirement b) The extension will not exceed more than 50% of the total curtilage of the site.

Complies Yes

Class A.1. Requirement c) 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 Yes

Class A.1. Requirement d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.
Complies Yes

Class A.1. Requirement e) The enlarged part of the dwellinghouse would not extend beyond a wall which—
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwellinghouse
Complies Yes

Class A.1. Requirement f) The enlarged part of the dwellinghouse would have a single storey and would not —
(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.
Complies Yes

Class A.1. Requirement (g) until 30th May 2019, 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
Complies Yes

Class A.1. Requirement h) The enlarged part of the dwellinghouse would have more than one storey and—
(i) does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) would not be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.
Complies Yes

Class A.1. Requirement 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 not exceed 3 metres
Complies Yes

Class A.1. Requirement j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would not—
(i) exceed 4 metres in height,
(ii) have more than one storey, or
(ii) have a width greater than half the width of the original dwellinghouse
Complies Yes

Class A.1. Requirement k) It would not consist of or include—
(i) the construction or provision of a veranda, 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 roof of the dwellinghouse.

Complies Yes

Class A.1. Requirement A.2. In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (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 one storey and extend beyond the rear wall of the original dwellinghouse.

Comment The dwellinghouse is not on article 2(3) land. **Complies** Yes

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

A.3. Conditions (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

(b) 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;
- and

Comment No side-facing windows are proposed

A.3. Conditions (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Comment 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 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 Total volume =39.76m³

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.

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