

Officer's Report

Application Number	HGY/2023/0028
Type	Lawful development: Proposed use
Location	32 Etherley Road, Tottenham, London, N15 3AJ
Proposal	Certificate of lawfulness for proposed rear dormer and outrigger roof extension with front roof lights.
Case Officer	Emily Whittredge
Valid Date	05/01/2023
Applicant	Mr Jacob Bindman
Agent	Mr Jon Pyle

RECOMMENDATION

Permitted Development

1. Site Description

The site contains a two storey mid terrace dwelling on the west side of Etherley Road. The property features an original two storey rear projection. 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 outrigger extension and three 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 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 be solely to the rear of the building and does not front 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 Dormer volume: 21m³ Outrigger volume 19m³ Total volume =40m³

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 not less than 0.2m from the eaves.

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.