

Officer's Report

Application Number	HGY/2023/0052
Type	Lawful development: Proposed use
Location	9 Duckett Road, Hornsey, London, N4 1BJ
Proposal	Replacement of two existing ground floor Windows on the rear elevation with glazed doors; the replacement of one existing ground floor Window on the side elevation with a glazed fixed panel; and the addition of a cast iron staircase to rear elevation.
Case Officer	Sabelle Adjagboni
Valid Date	09/01/2023
Applicant	Mr Steven Banks
Agent	mr Paolo Bongiovanni

RECOMMENDATION

Permitted Development

RECOMMENDATION - GRANT CERTIFICATE

RELEVANT PLANNING AND ENFORCEMENT HISTORY

There is no relevant history in relation to the site.

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for the conversion of two ground floor windows on the back elevation into glazed doors and one window on the side elevation into a glazed fixed panel. The proposal also includes the addition of a cast iron staircase to reach the garden level from the dining room.

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 A: Development within the curtilage of a dwellinghouse

A certificate of lawfulness for alterations to the fenestration and addition of a small staircase 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'

The current proposal will be assessed against these requirements as follows:

A.1 Development is not permitted by Class A if -

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of the GPDO (changes of use);
Proposal complies.

(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);

The increase in the area of ground covered would not be in breach of 50% tolerance test and therefore complies.

(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;

Proposal complies.

(d) The height of the eaves of part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

Not applicable

(e) The enlarged part of the dwellinghouse would extend beyond a wall which-

(i) Forms the principal elevation of the original dwellinghouse;

Proposal complies.

or

(ii) Fronts a highway and forms a side elevation of the original dwellinghouse;

Proposal complies.

(f) 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;

Proposal does not extend beyond the rear wall of the original dwellinghouse and therefore complies.

(ii) Exceed 4 metres in height;

Not applicable

(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;

Proposal complies.

(ii) exceed 4 metres in height;

Proposal complies.

(h) The enlarged part of the dwellinghouse would have more than a single storey and-

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or;

Not applicable.

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Not applicable.

(iii) 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 exceed 3 metres;

Not applicable.

(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,

Proposal complies

(ii) Have more than a single storey, or

Not applicable

(iii) Have a width greater than half the width of the original dwellinghouse Proposal complies

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j);

Proposal complies

(k) It would 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 dwellinghouse

Above non-applicable

(l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Proposal complies

A.2 Article 2(3) land

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

The dwellinghouse is not on article 2(3) land and as such the following are not applicable

(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 a single storey and extend beyond the rear wall of the original dwellinghouse.

A3. Conditions

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

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior or the existing dwellinghouse;

Materials to match

(b) any upper-floor window located in 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 1.7m metres above the floor of the room in which the window is installed.

Proposal complies.

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable be the same as the roof pitch of the original dwellinghouse.

Proposal complies.

RECOMMENDATION

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

Informatives:

- **INFORMATIVE:** The applicant is reminded that in order for the proposed extension and alterations to comply with Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), 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.