

Officer's Report

Application Number	HGY/2023/0584
Type	Lawful development: Proposed use
Location	21 Beech Drive, Hornsey, London, N2 9NX
Proposal	Certificate of lawfulness: Proposed alterations to garage to facilitate incidental use to main dwellinghouse.
Case Officer	Oskar Gregersen
Valid Date	28/02/2023
Applicant	Ms Louise Redmond
Agent	

RECOMMENDATION

Permitted Development

PLANNING HISTORY

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

RELEVANT PLANNING LEGISLATION

Town and Country Planning Act 1990

Sections 191 and 192 of the 1990 Act provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

(1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or

(2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Class A: Development within the curtilage of a dwellinghouse

A certificate of lawfulness for external alterations to an existing garage 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) 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 extension will not exceed more than 50% of the total curtilage of the site.

Complies

(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

(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

(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

(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

(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

(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

(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

(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

(iii) have a width greater than half the width of the original dwellinghouse;

Complies

(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

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.

Complies

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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Complies

- (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;

N/A

- (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.

Complies

Notes on change of use and the Town and Country Planning Act 1990:

It is pointed out that by virtue of s55(2)(d) of the 1990 Act the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse shall not be taken to involve development on the land.

In this instance the proposed change of use to the existing garage would be incidental to the use of the existing dwellinghouse, and therefore is not considered to be development and can be approved by virtue of s55(2)(d) of the 1990 Act and the change of use can be supported.

SUMMARY AND CONCLUSION

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. Additionally, by virtue of s55(2)(d) of the 1990 Act the proposed change of use from a garage to a study would not constitute development and therefore does not require permission.

Informatives:

- 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. Additionally, by virtue of s55(2)(d) of the 1990 Act the proposed change of use from a garage to a study would not constitute development and

therefore does not require permission.

- INFORMATIVE: You are advised that this certificate is issued on the basis that the garage as converted shall be used for purposes incidental to the main dwellinghouse and does not permit the use of the garage as converted to be used as a self-contained unit.