

Officer's Report

Application Number	HGY/2023/0616
Type	Lawful development: Proposed use
Location	19 Woodberry Crescent, Hornsey, London, N10 1PJ
Proposal	Certificate of lawfulness for the proposed replacement of existing rear roof light with a larger 'Cabrio' style roof light.
Case Officer	Neil McClellan
Valid Date	02/03/2023
Applicant	Lucy Zanetti
Agent	Lucy Zanetti

RECOMMENDATION

Approve

DETAILS OF PROPOSAL

Certificate of lawfulness for the proposed replacement of existing rear roof light with a larger 'Cabrio' style roof light.

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.

Procedural Point

'Cabrio' style roof lights have two opening lights, one above the other. The units are fitted close to attic floor level. The upper half is top hung, the lower hinged at the bottom. When opened, the upper window is horizontal, the lower window becomes vertical; side rails open out. The effect of each window is that when fully opened, the manufacture's claim is that it "... becomes an instant balcony ...".

A number of local planning authorities have assessed this style of rooflight under Schedule 2, Part 1, Class B development (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and declaring them unlawful as they contravene the B.1.(d)(i) restriction that development under class B cannot involve the construction or provision of a veranda, balcony or raised platform. However, appeal decisions have treated them as Class C development (Any other alteration to the roof of a dwellinghouse) and found them to be lawful (See: APP/L5810/X/15/3002668). With reference to requirement C.1.(b) (the development would not be permitted if the alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof, the Inspector in the example given was satisfied that provided this requirement was met when the window was shut, it would comply.

This application is therefore assessed under Schedule 2, Part 1, Class C of the GPDO.

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

A certificate Lawfulness for rooflights 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’.

Class C.1. Requirements

(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 (see procedural point above).

(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;**

Complies

CIL

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

RECOMMENDATION

Grant Certificate.

In pursuance of their powers under the above Acts and Order the London Borough of Haringey as local planning Authority hereby CERTIFY that the above proposal described by the applicant constitutes PERMITTED DEVELOPMENT and is therefore LAWFUL.