

Officer's Report

Application Number	HGY/2023/0644
Type	Lawful development: Proposed use
Location	48 Chalgrove Road, Tottenham, London, N17 0JD
Proposal	Certificate of lawfulness for proposed: installation of rear dormer.
Case Officer	James Mead
Valid Date	06/03/2023
Applicant	MR MARTIN MURPHY
Agent	Mr John David

RECOMMENDATION

Permitted Development

1. RECOMMENDATION

GRANT CERTIFICATE.

2. RELEVANT PLANNING HISTORY

- No relevant planning history.

3. DETAILS OF PROPOSAL

This application seeks a lawful development certificate for the installation of a rear dormer window.

4. 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.

5. ANALYSIS/ASSESSMENT OF THE APPLICATION

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

A lawful development certificate for the installation of a rear dormer can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 (GPDO) – Schedule 2, 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:

B.1

a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
Complies.

b) any part of the dwellinghouse would not, as a result of the works, exceed the height of the highest part of the existing roof;
Complies.

c) any part of the dwellinghouse would not, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
Complies.

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, or

ii. 50 cubic metres in any other case;

Complies – Dormer = Approximately 24 cubic metres.

e) it would not consist of or include—

i. the construction or provision of a verandah, balcony or raised platform, or

ii. the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Complies – The proposal includes a juliet balcony. The Permitted Development Rights for Householders (Technical Guidance) explains that a juliet balcony would normally be permitted development.

f) the dwellinghouse is not on article 2(3) land.;
Complies.

g) the dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).; or
Complies.

h) the existing dwellinghouse has not been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).
Complies.

B.2

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;
Complies.

b) the enlargement must be constructed so that—

i. 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—

-the eaves of the original roof are maintained or reinstated; and

-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; and

Complies.

c) any window inserted on 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 1.7 metres above the floor of the room in which the window is installed.

N/A.

Other Matters

A comment has been received from a Councillor and this refers to the London Plan space standards, whilst also raising concern regarding lack of light for the internal spaces and the single aspect nature of the proposals. This comment is noted, however such matters cannot be taken into account when considering an application for a Lawful Development Certificate. This type of application can only be assessed against the criteria and conditions of Schedule 2, Part 1, Class B of the GPDO. The comment from the Councillor has also raised concern that the property could be converted into flats. This concern is acknowledged, however officers can only assess the submitted application, which is for a dormer window to an existing dwellinghouse under Class B.

6.0 SUMMARY AND CONCLUSION

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

7.0 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.