

Officer's Report

Application Number	HGY/2023/0822
Type	Lawful development: Proposed use
Location	152 Park Road, Hornsey, London, N8 8JT
Proposal	Certificate of Lawfulness for the erection of an outbuilding in the rear garden.
Case Officer	Neil McClellan
Valid Date	23/03/2023
Applicant	Mr & Mrs Barbaric
Agent	Mrs Johanna Ahrberg Jackson

RECOMMENDATION

Permitted Development

DETAILS OF PROPOSAL

Certificate of lawfulness for a proposed new outbuilding, replacing the existing outbuilding located at the end of the property's rear garden. It would have a GIA of approximately 19.0 sqm. It would be a pitched roof structure with an eaves height of 2.0 m and a ridge height of 2.5 m.

The main space would have GIA of approximately 17 sqm and would serve as a lounge/tv room with an attached w.c./ shower room. An annex of approximately 2 sqm would be used as garden storage.

SITE DESCRIPTION

Three-storey, semi-detached house located on Park Road. The property is in use as a single dwellinghouse. It is not located within a conservation area and is not listed.

PLANNING HISTORY

HGY/2023/0794 – Planning permission granted for the replacement of the existing conservatory with a single side/rear extension, and the erection of a second-floor extension above the property's existing rear outrigger. Decided 25.05.2023.

RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development on the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

A Certificate of Lawfulness for provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas can be issued if the proposal meets all the criteria under The Town and Country

Planning (Generally Permitted Development) (Amendment) (No.2) (England) Order 2015 – Part 1, Class E ‘buildings etc incidental to the enjoyment of a dwellinghouse’.

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

E.1. Development is not permitted by Class E if —

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Complies.

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Complies.

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

Complies.

(d) the building would have more than a single storey;

Complies.

(e) the height of the building, enclosure or container would exceed;

**(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case;**

Complies.

As confirmed in the Ministry of Housing, Communities and Local Government’s Technical Guidance on permitted development rights for householders (September 2019), if any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development.

(f) the height of the eaves of the building would exceed 2.5 metres;

Complies.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Complies.

(h) it would include the construction or provision of a veranda, balcony or raised platform;

Complies.

(I) it relates to a dwelling or a microwave antenna;

Complies.

(j) the capacity of the container would exceed 3,500 litres.

Complies.

E.2. In the case of any land within the curtilage of the dwellinghouse which is within (a) an area of outstanding natural beauty; (b) the Broads; (c) a National Park; or (d) a World Heritage Site, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Complies.

E.3. In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Complies.

Interpretation of Class E - E.4. For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Complies.

The size of the outbuilding and its proposed uses is considered to meet the above interpretation.

COMMUNITY INFRASTRUCTURE LEVY

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 outbuilding is considered to comply with all the relevant restrictions and conditions set out above. The proposed development therefore does constitute permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 and is therefore considered to be lawful.

RECOMMENDATION

Grant Certificate for the following reason(s):

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

