

Officer's Report

Application Number	HGY/2023/1526
Type	Lawful development: Proposed use
Location	37 Hill Road, Hornsey, London, N10 1JE
Proposal	Certificate of Lawfulness Proposed: Front porch, rear ground floor extension, loft conversion, garden outbuilding.
Case Officer	Eunice Huang
Valid Date	12/06/2023
Applicant	Mr Baldip Singh
Agent	Mr Dan DIANA

RECOMMENDATION

Permitted Development

RECOMMENDATION

Permitted Development

1. SITE DESCRIPTION

The site contains a two storey mid terrace dwelling on the western side of Hill Road. The site does not fall within a conservation area and does not relate to a listed building.

2. RELEVANT PLANNING AND ENFORCEMENT HISTORY

HGY/2022/2693 - Prior approval under Part 1 Class A.1 not required.

3. DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for a front porch, rear ground floor extension, loft conversion, garden outbuilding.

3. 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. Instead, the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development on the neighbouring properties' amenity or the character of the area cannot be taken into consideration for this assessment.

4. ANALYSIS/ASSESSMENT OF THE APPLICATION

Class A – enlargement, improvement or other alteration of a dwellinghouse

A certificate of lawfulness for a formation of a rear extension can be issued if the proposal meets all criteria under the Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Part 1, Class A 'The enlargement, improvement or other alteration of a dwellinghouse.'

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

A.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) 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.

Not applicable – refer to (g)

(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

(ii) exceed 4 metres in height.

Complies – Prior approval not required under HGY/2022/2693

(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) 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 – one storey proposal

(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

(ii) have a width greater than half the width of the original dwellinghouse.

Complies

(ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would not exceed the limits set out in sub-paragraphs (e) to (j).

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

(l) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

Complies

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

A.3

(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

A.4

Paragraph A4.1 specifies that prior approval must be sought for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Prior approval was not required under HGY/2022/2693.

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

A certificate of lawfulness for a formation of a rear dormer extension can be issued if the proposal meets all criteria under the Town and Country Planning (Generally Permitted Development) (England) Order 2015 – 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) 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

(c) The enlarged part of the dwellinghouse would not 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

(ii) 50 cubic metres in any other case.

Complies – terrace house: $(2.5\text{m} \times 3.525\text{m} \times 4.5)/2 = 19.83\text{m}^3$

(e) it would not consist of or include—

(i) the construction or provision of a veranda, balcony or raised platform, or

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

Complies

(f) The dwellinghouse is not on article 2(3) land.

Complies

(g) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

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

Development is permitted by Class B subject to the following conditions:

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—

(ii) 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—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) 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.

Complies

(c) 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.

Not applicable – no side-facing windows are proposed.

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

A certificate of 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'.

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

C.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) 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

(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

(e) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

Complies

Development is permitted by Class C subject to the following conditions:

C.2

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

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

A certificate of lawfulness for a porch 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 D 'The erection or construction of a porch outside any external door of a dwellinghouse'.

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

D.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) The ground area (measured externally) of the structure would not exceed 3 square metres; /

Complies

(c) Any part of the structure would not be more than 3 metres above ground level.

Complies

(d) Any part of the structure would not be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

Complies

(e) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

Complies

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

A certificate of lawfulness for a garden shed 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 E 'The provision within the curtilage of the dwellinghouse of— (a) 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 (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

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

E.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) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not 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 not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

Complies

(d) The building would not have more than a single storey.

Complies

(e) The height of the building, enclosure or container would not 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 – Proposal is within 2m of the boundary of the curtilage of the dwellinghouse. Proposed height is 2.5m.

(f) The height of the eaves of the building would not exceed 2.5 metres.

Complies

(g) The building, enclosure, pool or container would not be situated within the curtilage of a listed building.

Complies

(h) It would not include the construction or provision of a verandah, balcony or raised platform.

Complies

(i) It would not relate to a dwelling or a microwave antenna.

Complies

(j) The capacity of the container would not exceed 3,500 litres.

Not applicable

(k) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

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.

Not applicable

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.

Not applicable

5. CIL APPLICABLE

The increase in internal floor area would not exceed 100sqm. Therefore the proposal is not liable for the Mayor's CIL charge.

6. SUMMARY AND CONCLUSION

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

7. RECOMMENDATION

Grant Certificate

INFORMATIVE: The applicant is reminded that in order for the proposed extension and alterations to comply with Class A and B, 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.

INFORMATIVE: The applicant is reminded that in order for the proposed extension and alterations to comply with Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), any window located on a roof slope forming a side elevation of the dwellinghouse shall

be obscure-glazed, and 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.