



6th Floor, River Park House, 225 High Road, Wood Green, London, N22 8HQ

Planning Service

E-mail: planningcustomercare@haringey.gov.ukWebsite: www.haringey.gov.uk/planning-and-building-control

Tel: 020 8489 5504

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,
including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

114

Suffix

Property Name

Address Line 1

Chesterfield Gardens

Address Line 2

Tottenham

Address Line 3

Haringey

Town/city

London

Postcode

N4 1LR

Description of site location must be completed if postcode is not known:

Easting (x)

532126

Northing (y)

188547

Description

Applicant Details

Name/Company

Title

First name

Margaret

Surname

GREENFIELDS

Company Name

Address

Address line 1

114 Chesterfield Gardens

Address line 2

Address line 3

Town/City

London

County

Country

United Kingdom

Postcode

N4 1LR

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
☐ Existing building works
☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. [View more details on Use Classes.](#)

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

On 12/2/2009 full planning permission was granted for an extension HGY/2008/2388 . For some reason the multi-fuel burner which I had always intended to be part of the extension (ground floor reading room back right from front of house) did not appear on the architects plans/planning permission although I was not aware of this until last week. Building regulations teams were aware of the works and inspected the build regularly and approved the installation of the stove (reference Building Control Application CPS/0000/9487/ Dry Roomheater/Stove; Dry System Only; New Insulated Factory Made Chimney System; New Hearth/Surround. This was installed by approved person 20/1/2010 and signed off by building regs 29/3/10. I understand from enquiries I have made in the last week and also from the planning portal guidance that the chimney is a permitted development usually. <https://www.planningportal.co.uk/permission/common-projects/flue-chimney-or-soil-and-vent-pipe/planning-permission>. The flue runs just inside the boundary line between my house and 112. My recently deceased very nice neighbour at (112) was always aware of and fine with the stove flue and never objected before or after installation. His heirs who are extremely keen to sell the adjoining house at 112 asap and who have a number of people viewing already, are claiming that the flue is unlawful and are threatening legal action/enforcement claiming I don't have planning permission for the flue/stove. A would-be purchaser who is keen to buy/extend has also been to my house saying the stove flue must be removed or will be subject to challenge/action. LB Haringey planning and also enforcement advised me to apply for a certificate of lawful development. I have a photograph taken recently evidencing the flue runs just within the boundary line between the two houses and on 30/6/23 I had a full stove/flue inspection undertaken by a HETAS qualified stove fitter and I'll receive his written report shortly. He has confirmed that it is safe, legal and a well installed piece of work (both stove and chimney flue which he viewed from my property side). He spoke to HETAS in front of me and confirmed the details of installation dating back to 2010 as the name of the installer was not very legible on the original installation plate. A new plate with all the HETAS registration details clearly noted has been provided. The installer was from Essex Stoves and Chimneys Ltd (John Dudley). HETAS Registration number 2588, installed 20/1/2010 and registered HETAS certificate 120930.

I would like to apply for a certificate of lawful development please as the stove/flue, used intermittently in winter (only burning permitted fuel) and with the flue running up the ground floor reading room extension side wall, just inside the boundary line of the two houses, was installed subject to regulations, approved by building regs (even if not included in PP) and in any event has been there since January 2010.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☒ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☒ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details

The installation was a allowed under the general permitted development order in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended. Part 1 of Schedule 2 (snip below from the Government Planning Portal)

And complies in all details, was fitted by a registered installer, Building Regs were adhered to throughout; it was HETAS reigstered at the time, and it is still a safe installation (confirmed 30/6/23 with formal report from the fitter I instructed to follow in the next few days)

Planning Permission

Fitting, altering or replacing an external flue, chimney, or soil and vent pipe is normally considered to be permitted development, not requiring planning consent, if the conditions outlined below are met:

Flues on the rear or side elevation of the building are allowed to a maximum of one metre above the highest part of the roof

If the building is listed or in a designated area even if you enjoy permitted development rights it is advisable to check with your local planning authority before a flue is fitted

In a designated area the flue should not be fitted on the principal or side elevation that fronts a highway.

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
☒ No

Please state why a Lawful Development Certificate should be granted

Because no planning permission was (or is) required as a permitted development, that all building regulations have been complied with as approved under Building Control Application

CPS/0000/9487/ Proposed Works Other Dry Roomheater/Stove Dry System Only, New Insulated Factory Made Chimney System, New Hearth/Surround

Address: 114, Chesterfield Gardens, London, N4 1LR

It was installed in compliance with the conditions imposed - HETAS certificate 120930; and in any event the flue has been installed since 20/1/2010 with no objections from my neighbour and it is now for the first time an issue with the heirs and potential buyer of the property who indicates a wish to extend out and up and hence wishes me to remove the stove to permit of full width double storey subject to PP which may be difficult with the stove flue present.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

20-01-2010

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes
☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ☐ Yes
☒ No

Site information

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Title number(s)

Please add the title number(s) for the existing building(s) on the site. If the site has no title numbers, please enter "Unregistered".

Title Number:
MX310264

Energy Performance Certificate

Do any of the buildings on the application site have an Energy Performance Certificate (EPC)?

- ☐ Yes
☒ No

Further information about the Proposed Development

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

What is the Gross Internal Area to be added to the development?

0.00	square metres
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Number of additional bedrooms proposed

Number of additional bathrooms proposed

Vehicle Parking

Please note: This question contains additional requirements specific to applications within Greater London.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes
☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes

☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

Surname

Reference

Date (must be pre-application submission)

Details of the pre-application advice received

Interest in the Land

Please state the applicant's interest in the land

☒ Owner

☐ Lessee

☐ Occupier

☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

(a) a member of staff

(b) an elected member

(c) related to a member of staff

(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

☐ Yes

☒ No

Declaration

I / We hereby apply for Lawful development: Existing use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Margaret GREENFIELDS

Date

01/07/2023