

Officer's Report

Application Number	HGY/2023/0918
Type	Lawful development: Proposed use
Location	42 Bancroft Avenue, Hornsey, London, N2 0AS
Proposal	Certificate of lawfulness for the proposed construction of an outbuilding for use incidental to the enjoyment of the main dwelling.
Case Officer	Nathan Keyte
Valid Date	30/03/2023
Applicant	Mrs Tulika Byce
Agent	Mr Michael Betts

RECOMMENDATION

Approve

SITE DESCRIPTION

The subject site is a two storey dwelling with loft in use as a dwellinghouse.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

HGY/2022/1115 - Demolition of the existing garage on land to the rear of the host dwelling and its replacement with a part single / part 2-storey 1-bedroom / 2-person dwelling. Granted 13.10.2022.

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for the construction of an outbuilding for use incidental to the enjoyment of the main dwelling. The outbuilding is located in the rear garden and is for leisure use and storage.

It is noted that permission was granted for a second dwelling on the site in 2022. The proposed outbuilding relates to the original host building, as outlined in the letter provided with the application.

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.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Class E: The 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

A certificate Lawfulness for an outbuilding for use incidental to the enjoyment of the main dwelling. 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 '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. 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. The building has a flat roof with a maximum height of 2.5m.

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

Complies. Has a maximum height of 2.50m.

(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 verandah, balcony or raised platform;

Complies

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

N/A

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

N/A

Development is permitted by Class E subject to the following conditions.

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

CIL APPLICABLE

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 E 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.