

Officer's Report

Application Number HGY/2023/1247
Type Lawful development: Proposed use
Location 32 Leaside Avenue, Hornsey, London, N10 3BU
Proposal Certificate of Lawfulness Proposed: Loft conversion and rear dormer.
Case Officer Eunice Huang
Valid Date 10/05/2023
Applicant Mr & Ms Gabriele & Benedetta Cipriani & Turchi
Agent Mr Jez Gay

RECOMMENDATION

Refuse

RECOMMENDATION

Refuse

1. SITE DESCRIPTION

The application site is a two storey mid terrace dwelling. The site has vehicular access from Leaside Avenue, with a shared driveway leading to a detached garage at the rear of the dwelling. The site is located within Muswell Hill Conservation Area. It is not a listed building.

2. RELEVANT PLANNING AND ENFORCEMENT HISTORY

· HGY/2023/1246 - Replacement ground floor rear extension and associated internal and external landscaping works to the rear garden. Conversion of garage to home office. Replacement windows to the front and side in matching material and design but with double glazing and draft proofing – Under consideration as of 03/07/2023

3. DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for a loft conversion and rear dormer.

4. ANALYSIS/ASSESSMENT OF THE APPLICATION

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: 29m³

(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.

Does not comply.

Part 1, Schedule 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 specifies the definition of article 2(3) land. It includes land within an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas).

The site is located in Muswell Hill Conservation Area.

(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.

Does not comply.

The existing dwelling is composed of red brick with a red terracotta tiled roof. The proposed dormer is proposed in dark grey cladding.

(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

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 does not constitute permitted development by virtue of Schedule 2, Part 1, Classes B of the Town and Country Planning (General Permitted Development) Order 2015 and is not considered to be lawful.

7. RECOMMENDATION

Refuse

Informatives:

- The works in question constitute development as the property falls within a conservation area and as such a certificate cannot be granted under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.