

Officer's Report

Application Number	HGY/2023/1234
Type	Lawful development: Proposed use
Location	3 Conway Road, Tottenham, London, N15 3JT
Proposal	Certificate of Lawfulness Proposed: New roof and roof light to existing rear extension. New external insulation with render finish to existing rear extension. New metal framed windows and doors to rear elevation.
Case Officer	Zara Seelig
Valid Date	09/05/2023
Applicant	Mrs Samantha Brown
Agent	Ms Eva Willoughby

RECOMMENDATION

Approve

RELEVANT PLANNING AND ENFORCEMENT HISTORY

- None

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for a new roof and roof light to existing rear extension. New external insulation with render finish to existing rear extension. New metal framed windows and doors to rear elevation.

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 A: Development within the curtilage of a dwellinghouse

A certificate of lawfulness for a single storey rear extension 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 A 'development within the curtilage of a dwellinghouse'

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

Class A.1. Requirement

(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

Complies: Yes

(b) The extension will not exceed more than 50% of the total curtilage of the site.

Complies: Yes

(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: Yes

(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: Yes

(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: Yes

(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.

Complies: The total depth of the rear extension is 3.8 metres and so exceeds the permitted 3 metres. It is noted the rear extension is existing and the proposal will very marginally increase however such works are very small/ de minimis, too small to trigger the need for planning consent.

(g) until 30th May 2019, 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

Comment: The proposal is not for a larger homes extension and would be subject to condition A.4 prior notification should the application be for a larger homes extension.

(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) would not be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

Comment: The proposal is single storey and so this does not apply.

(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: Yes, the height is 3 metres

(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;

Comment: The proposal is not greater than half the width of the original dwelling.

(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.

Comment: It does not include any of the above.

A.2. In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

Comment: The proposal site is not located on Article 2(3) land.

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

A.3. Conditions

- (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.
- (b) 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; and
- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

SUMMARY AND CONCLUSION

The proposed development does not constitute permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be unlawful.

RECOMMENDATION

Grant Certificate

Registered No. HGY/2023/1234

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 does NOT constitute Permitted Development and is therefore UNLAWFUL.