

Officer's Report

Application Number	HGY/2023/1624
Type	Lawful development: Proposed use
Location	11 Lynmouth Road, Hornsey, London, N2 9LR
Proposal	Rear dormer, front roof lights, amendments to fenestration, rear garden decking (Certificate of lawfulness)
Case Officer	Emily Whittredge
Valid Date	13/07/2023
Applicant	Lacher
Agent	Mr Tomas Tvarijonas

RECOMMENDATION

Permitted Development

1. Site Description

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

2. Details of Proposal

This is an application for a certificate of lawfulness for a rear dormer, front roof lights, amendments to fenestration, and rear garden decking.

3. 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.

4. Analysis/Assessment of the Application

A certificate of lawfulness for window and door alterations 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'

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)

Comment Permission has not been granted by virtue of these classes

Complies Yes

Class A.1. Requirement b) The extension will not exceed more than 50% of the total curtilage of the site.

Complies Yes

Class A.1. Requirement 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

Class A.1. Requirement 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

Class A.1. Requirement 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

Class A.1. Requirement 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 Yes

Class A.1. Requirement (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 Yes

Class A.1. Requirement 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.

Complies Yes

Class A.1. Requirement 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

Class A.1. Requirement 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 Yes

Class A.1. Requirement 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 Yes

Class A.1. Requirement 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 dwellinghouse is not on article 2(3) land. **Complies** Yes

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;

Comment No side-facing windows are proposed

A.3. Conditions (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.

Comment N/A

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

A certificate of lawfulness for a formation of rear dormer and outrigger extensions 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 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:

Class B.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);

Comment Permission to use the dwellinghouse has not been granted by virtue of these classes.

Complies Yes

Class B.1. Requirement 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.

Comment The height of the enlargement would not exceed the highest part of the roof.

Complies Yes

Class B.1. Requirement 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.

Comment The enlargement would extend to the rear and would not front a highway.

Complies Yes

Class B.1. Requirement 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;

Comment Total volume =39.47m³

Complies Yes

Class B.1. Requirement 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

Comment The development would include raising the chimney stack but this work is covered by Class G (see below)

Complies See Class G

Class B.1. Requirement f) The dwellinghouse is not on article 2(3) land.

Comment N/A

Complies Yes

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

B.2. Conditions (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.

Comment The external materials used would be of a similar appearance to those used in the construction of the exterior of the dwellinghouse

B.2. Conditions (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

Comment The edge of the enlargement closest to the eaves of the original roof is not less than 0.2 metres from the eaves.

B.2. Conditions 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.

Comment No upper side-facing windows are proposed.

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

A certificate Lawfulness for front roof lights 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:

Class C.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);

Comment The use of the dwellinghouse has not been granted by virtue of Classes M, N, P or Q.

Complies? Yes

Requirement 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.

Comment The proposed roof lights would protrude no more than 150mm beyond the plane of the slope of the original roof.

Complies? Yes

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

C.2. Conditions

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;

Comment No side-facing roof windows are proposed on a roof slope.

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

A certificate of lawfulness for rear garden decking 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 ‘development within the curtilage of a dwellinghouse’

Class E.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 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 Yes, including existing shed

(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;

(d) the building would not have more than a single storey;

(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 Yes

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

Complies Yes

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

Complies Yes

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

Comment A raised platform is any platform with a height greater than 0.3m. The proposed decking will not exceed 0.3m in height.

Complies Yes

(i) it does not relate to a dwelling or a microwave antenna; or

Complies Yes

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

Complies Yes

Class E.2 Requirement 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.

Comment The land does not fall within any of these criteria.

Class E.3 Requirement 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.

Interpretation of Class E

Class E.4 Requirement For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Complies Yes

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

A certificate of lawfulness for alterations to a chimney stack 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 G ‘development within the curtilage of a dwellinghouse’

Class G.1. Requirement

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

Complies Yes

(b) the height of the chimney, flue or soil and vent pipe would not exceed the highest part of the roof by 1 metre or more;

Comment The height of the raised chimney stack would not exceed the highest part of the roof by 1 metre or more.

Complies Yes

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would not be installed on a wall or roof slope which-

- (i) fronts a highway, and
- (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Comment The dwellinghouse is not on article 2(3) land

Complies Yes

5. 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.

6. Summary and Conclusion

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

7. RECOMMENDATION

Grant Certificate