



Officer Report

Application Number:	HGY/2023/1497
Application Type:	Lawful development: Proposed use
Address:	45 Victoria Road, Hornsey, London, N4 3SJ
Proposal:	Certificate of Lawfulness for rear roof dormer extension, loft conversion to habitable space and insertion of roof lights on the front roof slope
Case Officer:	Eunice Huang
Valid Date:	07/06/2023
Applicant:	Mr Christian Cole
Agent:	Frederik Herweijer

RECOMMENDATION

Refuse

1. SITE DESCRIPTION

The site contains a three storey mid terrace building on the north-eastern side of Victoria Road. The terrace is divided into three self-contained flats. The site is located within Stroud Green Conservation Area. It is not a listed building.

2. RELEVANT PLANNING AND ENFORCEMENT HISTORY

- OLD/1985/1551 – Change of use from non-self-contained flats to self-contained flats with minor alterations – Approved 10/1/1985
- OLD/1970/1184 – Convert into 3 self-contained flats – Approved 21/4/1970

3. DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for a loft conversion, rear dormer and two front roof lights.

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 (GPDO 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).

Does not comply.

Under paragraph 2 of GPDO, a 'dwellinghouse' does not include a building containing one or more flats, or a flat contained within such a building. The terrace building contains three flats. As such, the proposed development is not permissible under the provisions of Class B.

(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.

Notwithstanding that the existing use is not a dwellinghouse – dimensions comply.

(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.

Notwithstanding that the existing use is not a dwellinghouse – dimensions comply.

(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.

Notwithstanding that the existing use is not a dwellinghouse – dimensions comply – 19.2m³.

(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.

Notwithstanding that the existing use is not a dwellinghouse – design complies.

(f) The dwellinghouse is not on article 2(3) land.

Does not comply.

Notwithstanding that the existing use is not a dwellinghouse – 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 Stroud Green Conservation Area.

(g) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

Existing use is not a dwellinghouse.

(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).

Existing use is not a dwellinghouse.

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.

Notwithstanding that the existing use is not a dwellinghouse – no details about materials have been submitted.

(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.

Notwithstanding that the existing use is not a dwellinghouse – design 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).

Does not comply.

Under paragraph 2 of GPDO, a ‘dwellinghouse’ does not include a building containing one or more flats, or a flat contained within such a building. The terrace building contains three flats. As such, the proposed development is not permissible under the provisions of Class C.

(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.

Notwithstanding that the existing use is not a dwellinghouse – design complies.

(c) It would not result in the highest part of the alteration being higher than the highest part of the original roof.

Notwithstanding that the existing use is not a dwellinghouse – design 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.

Notwithstanding that the existing use is not a dwellinghouse – design complies.

(e) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

Existing use is not a dwellinghouse.

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.

Not applicable.

5. CIL APPLICABLE

- The increase in internal floor area would not exceed 100sqm. Therefore the proposal would not be liable for the Mayor’s CIL charge.

6. SUMMARY AND CONCLUSION

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

7. RECOMMENDATION

Refuse Certificate

Informatives:

Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 only applies to single dwellinghouses and not to flats, as the property is a flat the proposed works do not constitute permitted development. Furthermore, Class B of Part 1 of the order does not apply to properties located within a conservation area. As such, a certificate cannot be granted under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.