



Officer Report

Application Number:	HGY/2023/1013
Application Type:	Lawful development: Proposed use
Address:	48 Rutland Gardens, Tottenham, London, N4 1JP
Proposal:	Certificate of Lawfulness for proposed loft conversion including dormer extensions to main rear roof slope and rear outrigger.
Case Officer:	Sabelle Adjagboni
Valid Date:	12/04/2023
Applicant:	Mr Kenneth Walter
Agent:	

RECOMMENDATION

Permitted Development

RECOMMENDATION - GRANT CERTIFICATE

Relevant Planning and Enforcement history

There is no relevant history in relation to this site.

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for a proposed L-shaped dormer.

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 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 hip to gable 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 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); Proposal 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. Proposal complies.
The proposed height is 2.632m.

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.
Proposal 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;

MAIN ROOF DORMER

$$(2.374 \times 3.623 \times 4.42)/2$$

$$= 19.01 \text{ cubic metres}$$

VOLUME OUTRIGGER DORMER

$$(2.632 \times 3.5 \times 3.380)/2$$

$$= 17.57 \text{ cubic metres}$$

Total volume

$$19.01 + 17.57$$

$$= 36.58 \text{ cubic metres}$$

TOTAL PROPOSED VOLUME OF ROOF EXTENSION = 36.58 cubic metres

Maximum volume allowance for terraced house is 40 cubic metres

Proposal complies.

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

Proposal complies.

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

Proposal complies.

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.

Materials to match

(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

Proposal complies.

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.

Proposal complies

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

A certificate Lawfulness for a 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);

Proposal 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.

Proposal complies.

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

Proposal 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.

Proposal complies.

Development is permitted by Class C subject to the following 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;

N/A

Proposal 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 B and Class C 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.

Informatives:

INFORMATIVE: Materials

The applicant is reminded that in order for the proposed extension and alterations to comply with Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), 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.

INFORMATIVE: The certificate hereby granted is given in relation to the use of this property as a single-family dwelling. The subdivision of this property into self-contained flats or use as a House in Multiple Occupation (Use Class C4) would require planning permission as permitted development rights have been withdrawn through an Article 4 Direction (30th November 2013). Please refer to the link below for further information:

http://www.haringey.gov.uk/index/housing_and_planning/planning-mainpage/policy_and_projects/article_4_direction.htm