



Officer Report

Application Number:	HGY/2023/1951
Application Type:	Lawful development: Proposed use
Address:	40 Kimberley Gardens, Tottenham, London, N4 1LF
Proposal:	Certificate of Lawfulness for proposed loft conversion comprising a rear L-shaped dormer extension and the insertion of two rooflights to the front roof slope.
Case Officer:	Daniel Kwasi
Valid Date:	19/07/2023
Applicant:	Ms Tishna Molla
Agent:	Civils Consulting Ltd

RECOMMENDATION

Permitted Development

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Permitted development

Relevant Planning and Enforcement history

The planning history of the site has been taken into account when coming to this decision.

DETAILS OF PROPOSAL

This is an application for a Certificate of Lawfulness for proposed loft conversion with a rear L-shaped dormer extension and insertion of 2no. front rooflights. The site is not in a Conservation Area nor is it within the curtilage of a listed building.

RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development on 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 loft conversion with a rear L-shaped dormer 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);

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

Complies Yes

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

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 be to the rear and would not front a highway.

Complies Yes

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 Dormer Volume Calculation:

Dormer Volume Calculation:

1 = Loft Dormer (A)

$(3.43 \times 2.10) / 2 = 3.60$

$3.60 \times 4.57 = 16.45$

2 = Rear Wing Loft Dormer (B)

$(2.66 + 1.43) / 2 = 2.04 \times 2.73 = 5.58$

$= 5.58 \times 4.10 = 22.88$

Total Volume

$16.45 + 22.88 = 39.33$ cubic metres

Complies Yes

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 not include these elements.

Complies Yes

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.

Complies? Yes

(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 eaves of the original roof will be maintained or reinstated as far as practicable.

Complies? Yes

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 N/A

Complies? Yes

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

A certificate Lawfulness for the insertion of 2no. front 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:

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

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 2no. rooflights 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? Yes

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

Comment The 2no. rooflight would not be higher than the highest part of the original roof.

Complies? Yes

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.

Comment It would not consist of these elements.

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 N/A

Complies? Yes

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