



Officer Report

Application Number:	HGY/2023/1752
Application Type:	Lawful development: Proposed use
Address:	3 Myddelton Road, Hornsey, London, N8 7PY
Proposal:	Certificate of lawfulness for the proposed erection of a single storey rear extension.
Case Officer:	Mercy Oruwari
Valid Date:	03/07/2023
Applicant:	Mr Patel
Agent:	Mr Dipesh Surti

RECOMMENDATION

Refuse

RELEVANT PLANNING AND ENFORCEMENT HISTORY

OLD/1982/1070 – 29/12/81 Erection of 2 storey house with garage. Refused (Appeal Allowed 17/09/1982)

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for the erection of a single storey rear extension - proposed use.

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

The 'Permitted development rights for householders - Technical Guidance' document refers to a single family dwelling house. Where those rights were excluded as a condition as part of the final approval for any newly built dwelling/s the use of the permitted development rights are not available for the property/s and planning permission would be required.

The LPA has the Decision Notice for the Appeal Allowed under application OLD/1982/1070. Condition 4 of the report states 'No permitted development no enlargement of the dwelling hereby' (TP-25103 Part 2, page 29). As such any works normally allowed under permitted development would require would therefore require planning permission.

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

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.

Refusal Reasons:

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.

Informatives:

INFORMATIVE - Removal of PD Rights

Condition 4 attached to the appeal decision (Ref: OLD/1982/1070) granting planning permission for the construction of the property to which this application relates removed permitted development rights for extension to the property. As such any extensions normally allowed under permitted development would therefore require planning permission.