



Officer Report

Application Number:	HGY/2023/2310
Application Type:	Lawful development: Proposed use
Address:	87 Gladesmore Road, Tottenham, London, N15 6TL
Proposal:	Certificate of lawfulness of proposed use for a dormer extension above the rear outrigger.
Case Officer:	Daniel Boama
Valid Date:	25/08/2023
Applicant:	3
Agent:	A. M. Visel Mr A Friedrich

RECOMMENDATION

Refuse

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Refuse Certificate

Relevant Planning and Enforcement history

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

HGY/2023/1431 | GTD 25/7/2023 Conversion of property from 2 x self contained flats to 1 x family dwellinghouse and erection of type 3 Loft Extension. (AMENDED DESCRIPTION)

HGY/2007/2108 | REF 10/12/2007 Erection of front and rear dormer windows.

OLD/1984/0447 | GTD 11/9/1984 Conversion of existing flats into self-contained flats.

DETAILS OF PROPOSAL

This is an application for a Certificate of lawfulness of proposed use for a dormer extension above the rear outrigger. 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 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.

Permitted development rights have been removed from the property under planning permission HGY/2023/1431, whereby condition 3 states the following:

Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 or any Order revoking or re-enacting that Order, no changes to the front or side elevations of the dwelling, including the rendered colour,

texture and appearance, and window detailing shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and to prevent an out of keeping development of the frontage by controlling proposed extensions and alterations of the frontage and sides of this dwelling consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017 and the South Tottenham Residential Extensions SPD 2017.

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 of proposed use for a dormer extension above the rear outrigger 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);

Does not comply due to existing planning permission.

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.

Does not comply due to existing planning permission.

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.

Does not comply due to existing planning permission.

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;

Dormer Volume Calculation:

Rear Dormer on Outrigger

$((1.56 + 2.46) / 2) \times 3.12 \times 6.34 = 39.75\text{m}^3$

Total Volume

39.75 cubic metres

Maximum volume allowance for terraced house is 40 cubic metres

Does not comply due to existing planning permission.

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

Does not comply due to existing planning permission.

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

Does not comply due to existing planning permission.

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.

Does not comply due to existing planning permission.

(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
Does not comply due to existing planning permission.

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.
Does not comply due to existing 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

The proposed development does not constitute permitted development by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be unlawful. Permitted development rights have been removed from the property under planning permission HGY/2023/1431, whereby condition 3 states the following:

Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 or any Order revoking or re-enacting that Order, no changes to the front or side elevations of the dwelling, including the rendered colour, texture and appearance, and window detailing shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and to prevent an out of keeping development of the frontage by controlling proposed extensions and alterations of the frontage and sides of this dwelling consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017 and the South Tottenham Residential Extensions SPD 2017.

The applicant would therefore need to apply for planning permission.

RECOMMENDATION

Refused Certificate as Permitted Development