Officer Report

Application Number:	**HGY/2023/2274**
Application Type:	**Lawful development: Proposed use**
Address:	27 Woodside Avenue, Hornsey, London, N6 4SP
Proposal:	Lawful development certificate: proposed rear dormer demolition, loft conversion involving side and rear wrap around dormer, 2no. front facing roof lights and the erection of an outbuilding (AMENDED DESCRIPTION).
Case Officer:	Cameron Sturges
Valid Date:	22/08/202 3
Applicant:	Mr Arvind Kohli
Agent:	Mr RAHUL TAHEEM

RECOMMENDATION

Permitted Development

RECOMMENDATION

Permitted development

RECOMMENDATION
GRANT CERTIFICATE

RELEVANT PLANNING AND ENFORCEMENT HISTORY
HGY/2023/2273 - Single storey side extension following demolition of existing side extension, single storey rear extension, formation of new steps to garden, new Upvc windows to replace existing windows, external and internal alterations – Under assessment

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 rear 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:

(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)

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.
Complies

(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.
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;
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
Complies

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

Development is permitted by Class B subject to the following 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.
Complies

(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
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.
Complies

Class C: Any other alteration to the roof of a dwellinghouse
A certificate 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'.

(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);
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.
Complies

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

The current proposal will be assessed against these requirements as follows - E.1. Development is not permitted by Class E if —
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);
Complies.

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
Complies.

(c) any part of the building, enclosure, pool or container would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
Complies.

(d) the building would not have more than a single storey;
Complies.

(e) the height of the building, enclosure or container would not exceed—
I. 4 metres in the case of a building with a dual-pitched roof,
II. 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
III. 3 metres in any other case;
Complies.

As confirmed in the Ministry of Housing, Communities and Local Government's Technical Guidance on permitted development rights for householders (September 2019), if any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development.

(f) the height of the eaves of the building would not exceed 2.5 metres;
Complies.

(g) the building, enclosure, pool or container would not be situated within the curtilage of a listed building;
Complies.

(h) it would not include the construction or provision of a verandah, balcony or raised platform;
Complies.

(i) it does not relate to a dwelling or a microwave antenna;
Complies.

j) the capacity of the container would not exceed 3,500 litres.;
Complies.

(k) the dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).
Complies.

E.2. In the case of any land within the curtilage of the dwellinghouse which is within (a) an area of outstanding natural beauty; (b)the Broads; (c)a National Park; or (d)a World Heritage Site, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.
Complies.

E.3. In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.
Complies.

Interpretation of Class E - E.4. For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.
The size of the outbuilding and its proposed use as a garden store, study and home gym is considered to meet the above interpretation.

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.