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Section 192 of the Town and Country Planning Act 1990

Planning Statement

**To accompany an application for a
Lawful Development Certificate**

for the

**“Erection of a rear dormer with insertion of
rooflights”**

At

**105 Wargrave Avenue
London N15 6TU**

Eade Planning Ltd

February 2026

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Introduction

1. This is an application for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 for proposed development and use on land at 105 Wargrave Avenue, London N15 6TU.
2. The developments for which a certificate is hereby applied for comprises two elements. These are:
 - Rooflights, and
 - A rear roof dormer.

The Application

3. The proposal is lawful pursuant to Classes B and C of Part 1 Schedule 2 of the GPDO which allow for *the enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B)* and finally *other alterations to the roof of a dwellinghouse (Class C)*.
4. Section 192 of the Town and Country Planning Act 1990 provides that,
 - (1) *If any person wishes to ascertain whether—
(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,
would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.*
 - (2) *If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*
 - (3) *A certificate under this section shall—
(a) specify the land to which it relates;
(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
(c) give the reasons for determining the use or operations to be lawful;
and
(d) specify the date of the application for the certificate.*
 - (4) *The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.*

The land

5. The land is at 105 Wargrave Avenue, London N15 6TU.
6. The site is a four-storey single dwellinghouse including the basement level.
7. The site is not located within a Conservation Area nor is it a Statutory Listed Building.

The reasons for determining the development to be lawful

8. The Town and Country Planning Act 1990, Section 60 - Permission granted by development order, states,

(1) Planning permission granted by a development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in the order.

9. The Town and Country Planning (General Permitted Development) (England) Order 2015 is such an Order.

Article 3 of the 2015 Order provides inter alia that:

“(1) Subject to the provisions of this Order....., planning permission is hereby granted for the classes of development described as permitted development in Schedule 2 .

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2 .”

Rear roof dormer

10. Planning permission is granted under Class B in Part 1 of Schedule 2 of the GPDO for *“The enlargement of a dwellinghouse consisting of an addition or alteration to its roof”*. However, by virtue of condition B.1, such development is not permitted inter alia if-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

(d)the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i)40 cubic metres in the case of a terrace house, or

(ii)50 cubic metres in any other case;

(e)it would consist of or include—

(i)the construction or provision of a verandah, balcony or raised platform, or

(ii)the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

(f)the dwellinghouse is on article 2(3) land.

Conditions

B.2 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;

(b)the enlargement must be constructed so that—

(i)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; and

(c)any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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.

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

11. The materials to be used for the external finishes will be of similar appearance to those used in the construction of the exterior of the existing house.

Roof lights

12. Planning permission is granted under Class C in Part 1 of Schedule 2 of the GPDO for “other alterations to the roof of a dwellinghouse”. However, by virtue of condition C.1, such development is not permitted inter alia if-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;

(d) it would 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; or

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a)obscure-glazed; and

(b)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.

13. In this case the proposed roof lights will not protrude more than 0.15 metres beyond the plane of the slope of the original roof.

Date of the application for the certificate

14. This application is made on 25th February 2025.

Conclusion

15. This application provides information that satisfies the claim that the matters described in the application are lawful at the time of the application.