



Officer Report

Application Number:	HGY/2026/0506
Application Type:	Lawful development: Proposed use
Address:	1 Chalgrove Road, Tottenham, London, N17 0NP
Proposal:	Lawful development Proposed use for a single storey ground floor extension and a L-shaped dormer loft conversion
Case Officer:	Sabelle Adjagboni
Valid Date:	24/02/2026
Applicant:	Mr. Ihsan
Agent:	Mrs Bhumi Shah

RECOMMENDATION

Refuse

1. PLANNING AND ENFORCEMENT HISTORY

There is no planning history in relation to the site.

Enforcement

ENF/2026/0133

Address: 1 Chalgrove Road, Tottenham, London, N17 0NP

Change of Use - House in Multiple Occupation

Type: House in Multiple Occupation - 8 persons, and 6 households, granted this for THE MAXIMUM NUMBER OF OCCUPANTS AND HOUSHEOLD BEING 7 AND 6.

Status: Ongoing

2. 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.

3. ANALYSIS/ASSESSMENT OF THE APPLICATION

Class A: Development within the curtilage of a dwellinghouse

A certificate of lawfulness for a single storey rear 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 A 'development within the curtilage of a dwellinghouse'.

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 extension will not exceed more than 50% of the total curtilage of the site.

Complies

(c) 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

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.

Complies

(e) The enlarged part of the dwellinghouse would not extend beyond a wall which—

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse.

Complies

(f) The enlarged part of the dwellinghouse would have a single storey and would not —

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height.

Complies

The depth of the extension is 3m.

(g), for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (see comment on prior approval below)

(ii) exceed 4 metres in height

Comment: N/A

(h) The enlarged part of the dwellinghouse would have more than one storey and—

(i) does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) would not be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

Complies

The height of the extension is 3m.

(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would not exceed 3 metres;

Complies

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would not—

(i) exceed 4 metres in height,

(ii) have more than one storey, or

(ii) have a width greater than half the width of the original dwellinghouse;

Complies

(k) It would not consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform,**
- (ii) the installation, alteration or replacement of a microwave antenna,**
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- (iv) an alteration to any part of the roof of the dwellinghouse.**

Complies

A.2. In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

Complies

Prescriptive conditions - Development is permitted by Class A subject to the following conditions:

A3 (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Complies

Materials used will be similar to those used on the exterior of the building.

A3 (b) 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

A3 (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Complies

The proposed enlargement will not be more than one storey in height

Prior Approval - The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g):

Under paragraphs A.4(1) to A.4(12) development must not commence until either the LPA has notified the applicant that prior approval is not required or, where it is required, giving written notice of their prior approval. In effect those requirements are pre-conditions and as such development will not benefit from permitted development rights if those conditions are not met.

Comment:

N/A

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

A certificate of lawfulness for a formation of rear dormer and hip to gable 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);

Proposal 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.

Proposal 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.

Proposal 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;

VOLUME OF REAR DORMER

$$(4.75 \times 3.18 \times 2.25)/2$$

$$= \underline{16.99 \text{ cubic metres}}$$

VOLUME OF OUTRIGGER

$$(3.10 \times 2.57 \times 3.25)/2$$

$$= \underline{12.95 \text{ cubic metres}}$$

EXISTING REAR PITCHED ROOF (deduction)

$$(2.85 \times 3.15 \times 1.27)/2$$

$$= \underline{5.70 \text{ cubic metres}}$$

TOTAL VOLUME

$$16.99 + 12.95 - 5.70$$

$$= \underline{24.24 \text{ cubic metres}}$$

Total proposed volume of roof extension = 24.24 cubic metres

Maximum volume allowance for terraced house is 40 cubic metres.

Proposal 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

Proposal complies.

- f) The dwellinghouse is not on article 2(3) land (conservation area)

Proposal complies.

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.

Materials to match

- (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

Proposal 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.

Proposal 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

Commentary

The application seeks a Certificate of Lawfulness for the construction of a single-storey rear extension and an L-shaped dormer loft conversion under the provisions of Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In assessing whether the proposed works constitute permitted development, the LPA must first be satisfied that the property is lawfully in use as a single dwellinghouse (Use Class C3). Only dwellinghouses within Use Class C3 benefit from the permitted development rights relied upon in this application.

Based on the information available to the Council, including internal layout changes and the current pattern of occupation, it appears that the property has already been converted and is operating as a HMO. This HMO use has not been regularised through the grant of planning permission or a certificate of lawfulness, and therefore the lawful planning use of the property cannot be confirmed as C3. In the absence of evidence demonstrating a lawful C3 use, the LPA cannot be satisfied that the building benefits from the permitted development rights associated with dwellinghouses.

Furthermore, the formation of the enlarged roof space as proposed would facilitate a level of occupation and configuration consistent with a large HMO (*sui generis*). Such a use would fall outside Use Class C3 and would not be permitted development. Any future proposal for a large HMO would require a full planning application and would be assessed on its merits, including matters relating to intensity of use, internal space standards, refuse and cycle storage, and compliance with relevant HMO licensing and amenity standards.

For these reasons, the Local Planning Authority is not satisfied, on the balance of probabilities, that the proposed development would constitute lawful permitted development under Schedule 2, Part 1 of the GPDO. The Certificate of Lawfulness cannot therefore be granted.

4. RECOMMENDATION

Refuse for following reason:

Refusal Reasons:

On the balance of probabilities, the Local Planning Authority is not satisfied that the property is lawfully in use as a single dwellinghouse (Use Class C3). Evidence indicates that it has already been converted and is operating as an HMO, a use that has not been regularised. As permitted

development rights under Schedule 2, Part 1 of the GPDO apply only to lawful C3 dwellinghouses, the LPA cannot confirm that the proposed rear extension and L-shaped dormer would constitute permitted development.