



Officer Report

Application Number:	HGY/2026/0853
Application Type:	Lawful development: Proposed use
Address:	192A Park Lane, Tottenham, London, N17 0JA
Proposal:	Certificate of Lawfulness for the proposed rear dormer extension and the erection of an outbuilding in the rear garden.
Case Officer:	Josh Parker
Valid Date:	31/03/2026
Applicant:	Mr Abraham OESTREICHER
Agent:	Shulem Posen

RECOMMENDATION

Permitted Development

PLANNING HISTORY

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

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

REPRESENTATION

Planning Practice Guidance (PPG) on Lawful Development Certificates, sets out that:

"There is no statutory requirement to consult third parties. It may, however, be reasonable for a Local Planning Authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application." (Paragraph: 008 Reference ID: 17c-008-2014030).

Comments were received from Cllr Bevan summarised below:

- Concerns as to an acceptability of the standard of light and single aspect issues
- Loss of amenity space,
- New exteriors to match existing.
- Works would be detriment to any adjacent properties.

As is highlighted in the relevant planning legislation section of the report below, as this is a certificate of lawfulness application, the planning merits of the proposal do not form part of the assessment, which is solely to determine if the use has become lawful through it being demonstrated by meeting Class E highlighted below.

The proposed outbuilding is intended to function as a gym and has not been presented as containing any residential accommodation. As such, single-aspect, daylight, and sunlight standards which apply to habitable rooms are not relevant to the assessment of this structure.

The proposal retains well over 50% of the site's curtilage as open garden space, which satisfies the expectations for ancillary outbuildings. The Council does not have the authority to control or impose the material selection for outbuildings of this scale under permitted development.

It is essential that the building remains ancillary to the main dwelling, meaning it must be used in connection with the primary residential use and not as an independent unit. Any use that amounts to a self-contained residential unit would require a separate grant of planning permission. A informative has therefore been applied to ensure the outbuilding is used solely for purposes incidental to the enjoyment of the main house.

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 the formation of the proposed rear dormer extensions 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. Requirements

(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;

Calculation

Dormer Volume

39.72 sqm

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:

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.

Complies

(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.

Complies.

(c) 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

Not applicable – no side-facing windows are proposed.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

A Certificate of Lawfulness for provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (Amendment) (No.2) (England) Order 2015 – Part 1, Class E ‘buildings etc incidental to the enjoyment of a dwellinghouse’.

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 been granted only by virtue of Class M, N, P 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 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 be situated on land forward of a wall forming the principal elevation of the original dwellinghouse

Complies

(d) the building would have more than a single storey

Complies

(e) the height of the building, enclosure or container would 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 - 2.5m flat roof.

(f) the height of the eaves of the building would exceed 2.5 metres;

Complies

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Complies

(h) it would include the construction or provision of a verandah, balcony or raised platform;

Complies

(i) it relates to a dwelling or a microwave antenna;

N/A

(j) the capacity of the container would exceed 3,500 litres.

N/A

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.

SUMMARY AND CONCLUSION

The proposed development constitutes permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be lawful.

Informatives:

The outbuilding hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as [192A Park Lane, Tottenham, London, N17 0JA](#). For the avoidance of doubt the structure shall not be utilised for any purposes which one would expect to be accommodated within the main dwelling such as sleeping or short-term let accommodation.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.