Officer Report

Application Number:	**HGY/2023/2165**
Application Type:	**Lawful development: Existing use**
Address:	64 Glenwood Road, Tottenham, London, N15 3JR
Proposal:	Certificate of Lawfulness for existing rear dormer extension.
Case Officer:	Laina Levassor
Valid Date:	09/08/2023
Applicant:	The Applicant
Agent:	

RECOMMENDATION

Permitted Development

PLANNING & ENFORCEMENT HISTORY

The relevant planning history is as follows.

HGY/2020/3111: Approve with Conditions - Erection of ground floor infill and rear extension.

HGY/2021/1587: Approve with Conditions - Non-material amendment to HGY/2021/1843 (ground floor infill to rear extension) to alter height of parapet wall; reduce height of roof pitch; and installation of rear window.

REPRESENTATIONS

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).

No representations have been received.

RELEVANT PLANNING LEGISLATION

The application has been made under section 191 of the Town and Country Planning Act 1990 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful.

Town and Country Planning Act 1990
Section 191 of the Town and Country Planning Act 1990 (as amended by section 10 of the Planning and Compensation Act 1991) states that:
"If any person wishes to ascertain whether any existing use of buildings or other land is lawful …he may make an application for the purpose to the Local Planning Authority specifying the land and describing the use … For the purposes of this Act uses … are lawful at any time if –

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason)

If, on an application under this section, the Local Planning Authority are provided with information satisfying them of the lawfulness at the time of the application of the use, described in the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

EVALUATION

This application seeks to confirm that the rear dormer extension did not require planning permission as the development benefitted from planning permission granted by the General Permitted Development Order and is therefore deemed lawful.

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

SUMMARY AND CONCLUSION

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