



Officer Report

Application Number:	HGY/2026/1591
Application Type:	Lawful development: Proposed use
Address:	22 Lothair Road South, Hornsey, London, N4 1EL
Proposal:	Certificate of lawfulness for the erection of a rear dormer and roof extension including a Juliet balcony and the insertion of 3x front - proposed use
Case Officer:	Mercy Oruwari
Valid Date:	05/06/2026
Applicant:	Mr Tony Stavrou
Agent:	Mr Cos Ioannou

RECOMMENDATION

Refuse

1. PLANNING HISTORY

The relevant Planning/Enforcement history for this site includes:

- ENF/2026/0936 – Licence for a 7 person, 5 household large HMO with no formal Planning Permission. Pending
- HGY/2015/0691 - Erection of rear ground floor extension. Approved with conditions
- CUO/2005/00501 – Unauthorised change of use to 5 bedroom HMO. Closed as not expedient due to time
- HGY/2004/2332 - Erection of single storey rear extension. Permitted Development
- OLD/1987/1261 - 9/9/86 Conversion into 2 self-contained flats. Refused

2. RELEVANT PLANNING LEGISLATION

The application has been made under section 192 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. 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

PART 1: Compliance with the criteria/requirements outlined in legislation

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

A certificate of lawfulness for a rear dormer and roof 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.

The rear dormer height does not exceed the height of the highest part of the 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.

The dormer is on the rear elevation that faces the garden.

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;

Main Dormer:

Height = 2.3m

Depth = 3.5m

Width = 4.7m

$(2.3 \times 3.5 \times 4.7) / 2 = 18.9$ cubic metres

Roof Extension:

Upper

Height = 1.0m

Depth = 4.0m

Width = 2.9m

$(1.0 \times 4.0 \times 2.9) = 11.6$ cubic metres

Lower

Height = 1.4m

Depth = 4.0m

Width = 2.9m

$(1.4 \times 4.0 \times 2.9) = 8.1$ cubic metres

Total cubic content = 38.6 cubic metres

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

The rear dormer would not consist of or include a veranda, balcony or raised platform (i) to (ii).

Complies but it would have a Juliet balcony.

(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—

(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.

N/A

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.

The front rooflights will 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.

The front rooflights will 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—

(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;

N/A

PART 2: Is the space required for a purpose incidental to the enjoyment of the dwellinghouse

In considering this application, the Local Planning Authority (LPA) must assess whether all criteria are met for the use of Permitted Development rights to extend this property.

In this case, Planning Enforcement records show that the property has been in use as a small House in Multiple Occupation (HMO) accommodating 3–6 unrelated people since, or prior to, 2006. The property is located within Haringey's designated Article 4 Direction area. This removes the Permitted Development right that would otherwise allow a dwellinghouse to change to a small Class C4 HMO without planning permission. Within Article 4 areas, planning consent is required for such a change of use. Alternatively, if a property has been in use as a small Class C4 HMO for 10 years or more, the use must be formally regularised through a Certificate of Lawfulness for Existing Use.

Although Planning Enforcement documentation from 2006 (CUO/2005/00501) acknowledges that the property was in use as a small Class C4 HMO prior to that date, there is no record of any application to formalise this use.

SUMMARY AND CONCLUSION

In conclusion, having regard to the above and to all other matters raised, on balance the evidence held by the Local Planning Authority (LPA) confirms that the property is operating as a large 7-person, 5 household Sui Generis HMO. This type of property does not qualify to extend the loft or roof space under Permitted Development.

The proposed development therefore does not constitute permitted development by virtue of Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development) Order 2015 and is not considered to be lawful.

4. RECOMMENDATION

Refuse Certificate for the following reason(s):

In pursuance of their powers under the above Acts and Order, the London Borough of Haringey, as Local Planning Authority, hereby certify that the proposal described by the applicant does not constitute Permitted Development and is therefore unlawful. This is because, on the balance of evidence held by the Local Planning Authority, the property is operating as a large 7-person, 5-household sui generis HMO and as the property in this use class does not qualify to extend the loft or roofspace under Permitted Development and therefore does not fall within the parameters of Classes B and C of Part 1 of Schedule 2 to the GPDO.