Officer Report

Application Number:	**HGY/2026/2782**
Application Type:	**Lawful development: Proposed use**
Address:	6 Franklin Street, Tottenham, London, N15 6QH
Proposal:	Certificate of lawfulness for the erection of a rear dormer including the insertion of 3x front rooflights; and erection of full width single storey rear extension - proposed use
Case Officer:	Elisheva Landau
Valid Date:	08/10/202 6
Applicant:	Mr Moses Benedikt
Agent:	Shulem Posen

RECOMMENDATION

Permitted Development

1. PLANNING HISTORY

The previous planning history for this site includes:

- HGY/2026/2766 - Erection of single storey extension which extends beyond the rear wall of the original house by 6m, for which the maximum height would be 3.5m and for which the height of the eaves would be 3m. Pending

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 and a side infill 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

(g) until 30th May 2019, 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
(ii) exceed 4 metres in height
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.
N/A

(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.
N/A

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

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

(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

(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;
N/A

(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.
N/A

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 = 2.5m
Depth = 3.5m
Width = 6.3m
(2.5 x 3.5 x 6.3) / 2 = 27.5 cubic metres

Total cubic content = 29.6 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

(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

4. SUMMARY AND CONCLUSION

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

5. RECOMMENDATION

GRANT a Certificate of Lawfulness for the proposed development.