Officer Report

Application Number:	**HGY/2026/2940**
Application Type:	**Lawful development: Proposed use**
Address:	95 Kitchener Road, Tottenham, London, N17 6DU
Proposal:	Lawful development: Proposed use - Erection of a single storey outbuilding
Case Officer:	Elisheva Landau Pope
Valid Date:	04/11/2026
Applicant:	Lisa Romero
Agent:	Detailed Planning

RECOMMENDATION

Approve

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 submission.

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

(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 veranda, 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.
N/A

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.