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APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT UNDER SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990

SITE: 68L ETHERLEY ROAD, TOTTENHAM, N15 3AU

On behalf of the applicant, please find enclosed an application for a Certificate of Lawfulness for a proposed development, relating to a rear dormer to the existing house. This letter will set out how the proposed development complies with Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended 2023) ('the Order').

Site Context

The existing building is currently a two-storey house (Use Class C3). The Site is located to the west of the Etherley Road in Tottenham and sits within a residential area. The majority of the houses are two storeys in height with accommodation within the roof spaces. The subject property sits within close proximity to Chestnuts Park and Moorfields Eye Hospital.



Plan view of the Site location

Planning History

The LPA on-line application register for the application site has been reviewed. There are no planning applications recorded online. However, there has been a number of relevant applications in the locality and are listed below:

Planning History of the Surrounding Area

17 Etherley Road, Tottenham

- **LPA Ref: HGY/2021/3437:** Certificate of lawfulness for erection of rear dormers and installation of rooflights to front elevation (proposed use). Granted on 21/12/2021.

19 Etherley Road, Tottenham

- **LPA Ref: HGY/2021/3546:** Certificate of lawful development for rear dormer and part dormer over rear addition (I-shape dormer) with two roof light to the front roof slope. Granted on 10/02/2022.

32 Etherley Road, Tottenham

- **LPA Ref: HGY/2023/0028:** Certificate of lawfulness for proposed rear dormer and outrigger roof extension with front roof lights. Granted 02/03/2023

43 Etherley Road, Tottenham

- **LPA Ref: HGY/2021/2023:** Certificate of lawfulness for proposed rear dormer and dormer to outrigger. Granted 28/07/2021.

79 Etherley Road, Tottenham

- **LPA Ref: HGY/2019/1005:** Certificate of Lawfulness for proposed rear dormer and outrigger extension to facilitate a loft conversion. Granted 08/05/2019.

A Certificate of Lawfulness is sought for a rear dormer under Class B, Part 1, Schedule 2, of the Order.

The indicative layout is illustrated in the accompanying plans prepared by scheme architects. The extension is in accordance with Class B of the Order.

Relevant Planning Legislation

The Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended 2023)

Class B – additions etc to the roof of a dwellinghouse

Permitted development

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

Development not permitted

B.1 Development is not permitted by Class B if—

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
- e) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- f) the dwellinghouse is on article 2(3) land;
- g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or
- h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Conditions

B.2 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;
- 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; and
- c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and

- (ii) non-opening unless the parts of the window which can be opened are more than 1.7metres above the floor of the room in which the window is installed..

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4. For the purposes of paragraph B.2(b)(ii)—

- a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and
- b) “rear or side extension” includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

Compliance with Legislation

B.1

- (a) The permission of use of the dwellinghouse was not granted Under Class M, N, P, PA or Q under Part 3.
- (b) The height of the highest part of the roof of the existing dwellinghouse sits at 8.89 meters high, the proposed roof extension reaches 8.76 meters in height.
- (c) The enlarged part of the dwellinghouse does not extend beyond the plane of any existing roof slope which forms the principal elevation (east elevation) which fronts a highway.
- (d) The cubic content of the resulting roof space does not exceed the original roof space by more than 40 cubic metres and only exceeds the original roof by 36 cubic metres, see drawing P-5.
- (e) Does not consist of a verandah, balcony, raised platform or affect/install/remove a chimney, flue or pipe.
- (f) The dwellinghouse is not on article 2(3) land.
- (g) The dwellinghouse is not built under Part 20.
- (h) The dwellinghouse has not been enlarged in reliance on the permission granted by Class AA.

B.2

- (a) The exterior wall of the enlarged part will match the roof tiles of the existing dwellinghouse.
- (b) The eaves of the original roof will be maintained and the proposed enlargement is set back from the edge of the eaves by 200mm. The enlargement does not extend beyond the outside face of any external wall of the original dwellinghouse.

- (c) There are no windows proposed on a roof slope forming a side elevation of the dwellinghouse.

Conclusion

The lawful use of the existing dwellinghouse is Use Class C3. This application seeks a Certificate of Lawfulness to confirm the 36 cubic metre roof extension is a form of permitted development and permission is enunciated by central government. As the extension would comply with the planning legislation set out above and in Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, we therefore seek a Certificate of Lawfulness for the development.

The application comprises:

- This Cover Letter;
- Site Location Plan;
- Block Plan;
- Existing drawings;
- Proposed drawings;
- Cubic Volume Calculations; and
- Application form.

I trust this letter is self-explanatory but if you have any questions do not hesitate to contact myself.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dean Slidel', with a stylized, flowing script.

Dean Slidel