



Officer Report

Application Number: HGY/2023/2918
Application Type: Lawful development: Proposed use
Address: 2 Tile Kiln Studios, 1 Winchester Road, Hornsey, London, N6 5HW
Proposal: Formation of access pathway and gate (certificate of lawfulness for a proposed use)
Case Officer: Zara Seelig
Valid Date: 27/10/2023
Applicant: Mr Fardad Ghaffari
Agent:

RECOMMENDATION

Permitted Development

RELEVANT PLANNING AND ENFORCEMENT HISTORY

None

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness (proposed) for the formation of access pathway and gate.

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.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Class A – gates, fences, walls etc

A certificate of lawfulness for the formation of access pathway and gate can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Schedule 2, Part 2, Class A '*The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.*'

The current proposal will be assessed against these requirements as follows:

Class A.1. Development is not permitted by Class A if:

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
- (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
 - (ii) in any other case, 1 metre above ground level;

Complies: Yes, the proposal is not to be used by vehicular traffic.

- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

Complies: Yes, the proposed height does not exceed 2 metres above ground level.

- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

Complies: Yes, as mentioned above the proposal would not exceed 2 metres in height.

- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Complies: Yes, the application site is not a listed building.

SUMMARY AND CONCLUSION

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

RECOMMENDATION

Grant Certificate

In pursuance of their powers under the above Acts and Order the London Borough of Haringey as local planning Authority hereby CERTIFY that the above proposal described by the applicant constitutes PERMITTED DEVELOPMENT and is therefore LAWFUL.

Informatives:

INFORMATIVE: The grant of a permission does not relieve the applicant/developer of the necessity of complying with any local Acts, Regulations, Building By-laws, private legislation, and general statutory provisions in force in the area or modify or affect any personal or restrictive covenants, easements etc., applying to or affecting either the land to which the permission relates or any other land or the rights or any person(s) or authority(s) entitled to benefit thereof or holding an interest in the property.