



Officer Report

Application Number:	HGY/2023/3227
Application Type:	Lawful development: Proposed use
Address:	36 Fairfax Road, Hornsey, London, N8 0NG
Proposal:	Certificate of Lawfulness for proposed loft conversion with Juliet balcony, 2 Velux windows to the front elevation, plus a roof extension to the rear outrigger.
Case Officer:	Eunice Huang
Valid Date:	04/12/2023
Applicant:	Ms Jin Chuncai
Agent:	MR LES KING

RECOMMENDATION

Refuse

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Refuse

1. SITE DESCRIPTION

The site is a two storey mid terrace building on the southern side of Fairfax Road, comprising a single dwelling. The site is not located within a conservation area, nor is it a listed building.

2. RELEVANT PLANNING AND ENFORCEMENT HISTORY

There is no relevant planning and enforcement history on record.

3. DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for a proposed loft conversion with Juliet balcony, 2 Velux windows to the front elevation, plus a roof extension to the rear outrigger.

4. 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.

5. ANALYSIS/ASSESSMENT OF THE APPLICATION

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

A certificate of lawfulness for a formation of a rear dormer extension can be issued if the proposal meets all criteria under the Town and Country Planning (Generally Permitted Development) (England) Order 2015 (GPDO 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:

B.1

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA 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.

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.

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.

Does not comply (terrace house).

Calculations:

Main dormer = 20.21m³

Outrigger extension: 20.74m³

Total: 40.95m³

Note: The submitted outrigger extension volume calculations on Drawing No. CL 15 are based on a height of 1.906m, which does not produce an accurate representation of the extension volume. Officer's calculation for the outrigger extension volume of 20.74m³ is based on an area calculation of 6.48m² for the proposed rear wall, multiplied by the depth of 3.2m.

(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.

Complies.

The proposal includes a Juliet balcony on the loft level. This Juliet balcony is composed of a railing but does not include a platform or external access. On this basis, the development is not defined as a balcony, which is understood to project beyond an upper storey of a building.

(f) The dwellinghouse is not on article 2(3) land.

Complies.

(g) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

Complies.

(h) The existing dwellinghouse has not been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Complies.

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

B.2

(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—

(ii) 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 – 0.2m setback from eaves.

(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.

Not applicable – no side-facing windows are proposed.

Class C: Any other alteration to the roof of a dwellinghouse

A certificate of 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’.

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

C.1

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA 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.

Complies.

(c) It would 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.

(e) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

Complies.

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

C.2

Any window located on a 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.

Not applicable – not on side elevation.

5. CIL APPLICABLE

The increase in internal floor area would not exceed 100sqm. Therefore the proposal would not be liable for the Mayor's CIL charge.

6. SUMMARY AND CONCLUSION

The proposed roof additions would exceed the permitted 40 cubic metres volume allowed on the existing roof space for a terrace house. Therefore, the proposed development does not constitute permitted development

by virtue of Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be unlawful.

7. RECOMMENDATION

Refuse

Refusal Reasons:

The proposed roof additions would exceed the permitted 40 cubic metres volume allowed on the existing roof space for a terrace house. Therefore, the proposed development does not constitute permitted development by virtue of Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be unlawful.