



Officer Report

Application Number:	HGY/2023/3008
Application Type:	Lawful development: Proposed use
Address:	148 Osier Crescent, Hornsey, London, N10 1RF
Proposal:	Certificate of lawfulness for the proposed installation of two front roof lights and a rear dormer window. (AMENDED DESCRIPTION)
Case Officer:	Mark Chan
Valid Date:	05/12/2023
Applicant:	Alex Martin
Agent:	Mr George Kain

RECOMMENDATION

Refuse

1. RELEVANT PLANNING AND ENFORCEMENT HISTORY

HGY/2014/2834 – Replacement of existing conservatory with single storey extension within the same footprint (householder application). Approved 01/12/2014.

HGY/2014/2115 – Certificate of Lawfulness for replacement of existing conservatory with a single storey extension within the same footprint. Permission required 18/09/2014.

HGY/2003/1495 – Certificate of Lawfulness of a single storey rear extension. Certificate granted 12/09/2003.

HGY/2001/0144 – Redevelopment for residential purposes to erect 116 new dwellings comprising (12 x 1 bed & 56 x 2 bed flats, 22 x 3 bed houses and 26 x 4 bed houses) with access from Coppetts Road. Permission granted 27/09/2001.

2. DETAILS OF THE PROPOSAL

This is an application for a certificate of lawfulness for the proposed installation of two front roof lights and a rear dormer window. It is noted that the application property was constructed as part of the redevelopment of the former Coppetts Wood Hospital site which was approved under application HGY/2001/0144.

3. 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.

4. ANALYSIS/ASSESSMENT OF THE APPLICATION

The 'Permitted development rights for householders - Technical Guidance' document refers to a single-family dwelling house. Where those rights were excluded as a condition as part of the final approval for

any newly built dwelling(s), the use of the permitted development rights are not available for the property(s) and planning permission would be required.

Whilst a certificate of lawfulness for a single storey rear extension at the application property was granted in 2003 under application HGY/2003/1495, this was an error.

The LPA has the decision notice under application HGY/2001/0144. Condition 17 of the decision notice states that 'Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, no enlargement, improvement or other alteration of any of the dwellings hereby approved in the form of development falling within Classes A to H shall be carried out without the submission of a particular planning application to the Local Planning Authority for its determination.'

5. CIL APPLICABLE

The increase in internal floor area would not exceed 100sqm and therefore the proposal is not liable for the Major's CIL charge.

6. SUMMARY AND CONCLUSION

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 DOES NOT constitute PERMITTED DEVELOPMENT and is therefore UNLAWFUL.

7. RECOMMENDATION

Refuse Certificate

Refusal Reasons:

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 DOES NOT constitute PERMITTED DEVELOPMENT and is therefore UNLAWFUL.