



Officer Report

Application Number: HGY/2023/1745
Application Type: Lawful development: Existing use
Address: 14 Pages Lane, Hornsey, London, N10 1PS
Proposal: Certificate of Lawfulness for proposed replacement of existing outbuilding in rear garden.
Case Officer: Ben Coffie
Valid Date: 07/08/2023
Applicant: Mr Howard Bate
Agent:

RECOMMENDATION

Refuse

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.

ANALYSIS/ASSESSMENT OF THE APPLICATION

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 – Permission to use the dwellinghouse has not been granted by virtue of these classes.

(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 – It would not exceed 50% of the total area of the curtilage.

(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 – The proposed outbuilding is located entirely in the rear garden and does not have any part that will be situated on land forward of a wall forming the principal elevation of the original dwelling.

(d) the building would have more than a single storey

Complies – the proposed building is single storey.

(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;

Does not comply – Proposed outbuilding is located 0.8m from the boundary of the neighbouring property as such the maximum allowed height is 2.5m while the proposed height is 2.75m.

(f) the height of the eaves of the building would exceed 2.5 metres;

Complies – The proposed height of the eaves is 2 metres.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Complies – The dwellinghouse is not listed and there are no listed buildings or other listed elements located in the curtilage.

(h) it would include the construction or provision of a veranda, balcony or raised platform;

Complies – No such elements will be included.

(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.

Complies – The proposed building is not located within 20 metres of such protected lands.

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 – The proposed building is not situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

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 exceeds the maximum height set out by Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to not be lawful.

Refusal Reasons:

The proposed development exceeds the maximum height set out by Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to not be lawful.