



Officer Report

Application Number:	HGY/2023/3394
Application Type:	Lawful development: Proposed use
Address:	Flat 64, Sycamore Gardens, 295 High Road, Tottenham, London, N15 4RQ
Proposal:	Certificate of Lawful Development for proposed external façade cladding replacement works in relation to previously approved application HGY/50286, specifically to remediate the building in a manner that maintains its exiting appearance and finish, by replacing the combustible materials with non-combustible alternatives that closely mirrors original design.
Case Officer:	Matthew Gunning
Valid Date:	22/12/2023
Applicant:	Mr Fraser McIntosh
Agent:	Mr Louise Gibbons

RECOMMENDATION

Approve

1. DESCRIPTION OF APPLICATION

This is an application for a Certificate of Lawful Development for proposed external façade cladding replacement works in relation to previously approved application HGY/50286, specifically to remediate the building in a manner that maintains its exiting appearance and finish, by replacing the combustible materials with non-combustible alternatives that closely mirrors original design.

2. RELEVANT LEGISLATION AND GUIDANCE

Section 55(1) of the Town and Country Planning Act 1990 as amended (1990 Act) states that 'development' (which requires planning permission) means the carrying out of building, engineering, mining or other operations or the making of a material change in the use of land. Section 55(1A) of the 1990 Act states that 'building operations' includes demolition, rebuilding, structural alterations or additions to buildings, and other operations normally undertaken by builders. Section 55(2) then excludes certain operations from the definition of development, including works for the maintenance, improvement or other alteration of any building which only affect the interior or do not materially affect the external appearance of the building. Section 336 of the 1990 Act defines the word 'building' as 'any structure or erection'.

Case law¹ has clarified that 'operations' for the purposes of the Act are essentially activities which result in some physical alteration to the land which has some degree of permanence, and that there are three primary factors which are decisive of whether something is a building: size, permanence and physical attachment.

3. ANALYSIS/ASSESSMENT

The building is an existing building and has previously been approved with full planning permission (HGY/50286) and is currently in use. However, the existing façade cladding partially utilises combustible materials such as metal composite panels and PIR insulation. These do not comply with current Building Regulations (Approved Document B, Volume 1), which prohibits the use of combustible materials in façade and mandates the installation of cavity barriers at the required positions in the façade of building.

The proposed works seek to remediate the building in a manner that maintains its exiting appearance and finish, by replacing the combustible materials with non-combustible alternatives that closely mirror the original design. This will ensure the building's compliance with Building Regulations without altering its aesthetics, colour, and no planned changes to access, parking, buildings footprint, or usage.

Based on the plans and information provided the operations for the improvement/alteration of a building by was of a different cladding would not materially affect the external appearance of the building so as to constitute development. As such a certificate of lawfulness can be issued.

4. RECOMMENDATION - GRANT CERTIFICATE

The Council hereby certify that the works proposed are not an 'operations' which do not materially affect the external appearance of the building and as such do not constitute development by virtue of 55(1A) of the Town and Country Planning Act 1990.