

Officer Report

Application Number:	HGY/2024/0461
Application Type:	Lawful development: Proposed use
Address:	139 Fairfax Road, Hornsey, London, N8 0NJ
Proposal:	Certificate of Lawful Development (Proposed dev) for the removal of the rear outrigger chimney, erection of a rear dormer on the main roof with linked smaller dormer extension above the rear outrigger, insertion of three front rooflights and one rear Juliet balcony.
Case Officer:	Iliyan Topalov
Valid Date:	22/02/2024
	4
Applicant:	Laura Suzanne Broom
Agent:	Mr George Kain

RECOMMENDATION

Permitted Development

DETAILS OF PROPOSAL

This is an application for a Certificate of Lawfulness for the removal of the rear outrigger chimney, erection of a rear dormer on the main roof with linked smaller dormer extension above the rear outrigger, insertion of three front rooflights, and one rear Juliet balcony.

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 B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

A certificate of lawfulness for a rear dormer extension 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 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:

(a) permission to use the dwellinghouse as a dwellinghouse has not 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 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 – The height of the proposed dormer will not exceed the height of the highest part of the roof of the existing dwellinghouse.

(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 – The proposed dormer is located at the rear of the dwellinghouse, and it will not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

(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;

Complies –

$$V1 = (3.59\text{m} \times 2.26\text{m}) \div 2 \times 4.82\text{m} = 19.55\text{m}^3$$

$$V2 = (2.48\text{m} + 1.66\text{m}) \div 2 \times 2.99\text{m} \times 3.22\text{m} = 19.92\text{m}^3$$

$$\text{Total cubic content} = V1 + V2 = 39.47\text{m}^3$$

(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 – It will not include those elements.

The removal of the chimney is done so under Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) Order 2015

The two rear facing Juliet balconies will not form a balcony or include a raised platform and as such are considered Permitted Development.

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

Complies – The site is not located in a conservation area.

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

(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 – The proposed materials will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

(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 – The extension is positioned not less than 0.2 m from the eaves.

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.

Complies – No side 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'.

(a) permission to use the dwellinghouse as a dwellinghouse has not 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 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 – The proposed rooflights will not protrude more than 150 millimetres beyond the plane of the roof slope.

(c) It would not result in the highest part of the alteration being higher than the highest part of the original roof.

Complies – The highest part of the proposed rooflights will not be higher than the highest part of the original roof.

(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 – It will not include those elements.

The removal of the chimney is done so under Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) Order 2015

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

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;

Complies – No side windows will be installed.

Class G: Chimney, flues etc

A certificate of lawfulness for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse 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 G 'chimney, flues etc'.

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

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

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

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

Complies – The proposal is not seeking to increase the height of the rear outrigger chimney, but instead to remove it.

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which

(i) fronts a highway, and,

(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Complies – The site is not located in a conservation area.

SUMMARY AND CONCLUSION

The proposed development constitutes permitted development by virtue of Schedule 2, Part 1, Class B, C, G of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be lawful.

Informatives:

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

- (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;
- (b) the enlargement must be constructed so that— (i) 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; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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.

The applicant is advised that in order for the development to be considered to be lawful, any upper floor windows added onto the side elevation of the property must 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.

The applicant is reminded that in order for the proposed rooflights to comply with Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the alteration must not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

