

Officer Report

Application Number:	HGY/2024/0465
Application Type:	Lawful development: Proposed use
Address:	37 Hill Road, Hornsey, London, N10 1JE
Proposal:	Certificate of Lawful Development (Proposed) for the formation of vehicle crossover and the construction of an area of permeable, hard standing driveway to accommodate a single parking space.
Case Officer:	Iliyan Topalov
Valid Date:	22/02/2024
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Applicant:	MR BALDIP SINGH
Agent:	Mr Dan Diana

RECOMMENDATION

Permitted Development

DETAILS OF PROPOSAL

This is application for a Certificate of Lawfulness for the formation of vehicle crossover and the construction of an area of permeable, hard standing driveway to accommodate a single parking space.

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.

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

A Certificate of Lawfulness for Development consisting of— (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or (b) the replacement in whole or in part of such a surface 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 F 'hard surfaces incidental to the enjoyment of a dwellinghouse'

The current proposal will be assessed against these requirements as follows - Development is not permitted by Class F if—

F.1. 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.

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

(a)the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

Complies – The proposed driveway is located in the front garden which is situated on land between a wall forming the principal elevation of the dwellinghouse and a highway.

(b)the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Complies –

The proposed driveway will consist of unsealed paving blocks which will be placed over sand and aggregate substrate which will allow water to penetrate and drain naturally.

To mitigate any runoff excess water, a drainage channel connected to a buried drainage (within the curtilage of the dwellinghouse) will be located at the bottom of the driveway.

Class B – means of access to a highway

A Certificate of Lawfulness for Development consisting of the formation of vehicle crossover 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 2, Class B 'means of access to a highway'

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

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

Complies – Hill Road, Hornsey, London, N10 is not a trunk road or a classified road.

SUMMARY AND CONCLUSION

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

Informatives:

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.

INFORMATIVE: Crossover Costs

Any necessary works to construct the crossover will be carried out by the Highways Department at the applicant's expense once all the necessary internal site works have been completed. The applicant should telephone 020 8489 1000 to obtain a cost estimate and to arrange for the works to be carried out.