



Officer Report

Application Number:	HGY/2023/3099
Application Type:	Lawful development: Proposed use
Address:	Portman House, High Road, Wood Green, London, N22 6DF
Proposal:	Certificate of lawfulness for proposed use comprising replacement of existing combustible insulation with a non-combustible mineral wool and finished with a render system to match the existing on the upper floor levels. (AMENDED DESCRIPTION)
Case Officer:	Daniel Boama
Valid Date:	20/11/2023
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Applicant:	Mr Shyam Shah
Agent:	Mr Ben Goble

RECOMMENDATION

Permitted Development

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for proposed use comprising replacement of existing combustible insulation with a non-combustible mineral wool and finished with a render system to match the existing on the upper floor levels.

PLANNING HISTORY

The planning history of the site has been taken into account when coming to this decision.

HGY/2006/0167 – Approval of Details pursuant to Condition 7 (refuse) attached to planning permission reference HGY/2003/0352 – Granted on 15/8/2012.

HGY/2005/0652 – Approval Of Details pursuant to Condition 5 (materials) attached to planning permission reference HGY/2003/0352 – Granted on 03/6/2005.

HGY/2003/0352 – Redevelopment of site involving demolition of existing buildings and erection of five storey building, comprising 854 sq. metres retail on basement, ground and mezzanine floors and 11 x 1 bed and 3 x 2 bed flats on upper floors – Granted on 24/5/2004.

HGY/2001/0225 – Erection of a 4 storey building comprising A3 Use on the ground floor with 9 X 1 bed 2 person and 3 X 1 bed 1 person flats on the upper floors – Granted on 27/3/2002.

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.

CONSULTATION RESPONSE

The following were consulted regarding the application:

LBH Building Control: The above building is not a High Risk Building (HRB) and therefore the replacement of the insulation will be subject to a Building Control application, not through the Building Safety Regulator, where the u-value and fire rating of the wall construction/insulation will be checked. There is currently no specification regarding the insulation, so this office cannot comment at this stage with regards to its thermal and fire properties.

ANALYSIS/ASSESSMENT

Background to the Application

The application aims to replace parts of the existing façade render system on EPS insulation with non-combustible mineral wool and render system to improve the fire safety of the building. The colouring and appearance of the proposed revised materials would be very similar to those on the existing building.

The Council's Building Control team has been consulted on this application and their comments at stated above.

Assessment

This is not a planning application, and the planning merits are not relevant to this submission. Rather the applicant seeks confirmation that the proposed replacement of existing combustible insulation with a non-combustible mineral wool and finished with a render system to match the existing on the upper floor levels do not constitute "development" as defined under Section 55 of The Town and Country Planning Act 1990 (as amended).

The meaning of "development" and "new development", is defined under Section 55 as follows:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land

Of relevance to this application is Paragraph 2 of this section which reads as follows:

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building... [continues]

Development that is considered *de minimis* would include minor works which, in relative terms, would not have a material effect on the external appearance of the building on which they are installed.

Officers consider the replacement non-combustible mineral wool and render system, as shown on the submitted plans, would be works that fall within the definition of development as described by Section 55 of The Town and Country Planning Act 1990 (2) (a) (ii) as set out above, as the appearance of the non-combustible mineral wool and render system would not materially affect the external appearance of the building, when taken as a whole.

Conclusion

The proposed new non-combustible mineral wool and render system would not constitute "development" as defined under Section 55 of The Town and Country Planning Act 1990 (as amended). Therefore, the lawful development certificate may be issued.

RECOMMENDATION

Grant a lawful development certificate.

Informatives:

The applicant is advised that the cladding replacement will be subject to a Building Control application.