



Officer Report

Application Number: HGY/2024/0906
Application Type: Lawful development: Proposed use
Address: 26 Clovelly Road, Hornsey, London, N8 7RH
Proposal: Certificate of Lawful Development (Proposed) for the replacement of the timber window frames with new matching timber frames, replacing the current cladding with rendered external wall insulation, installation of solar panels, installation of air source heat pump

Case Officer: Iliyan Topalov
Valid Date: 02/04/2024

Applicant: Mr Law
Agent: Mr Christian Brailey

RECOMMENDATION

Permitted Development

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

Part 1, Class A: Development within the curtilage of a dwellinghouse

A certificate of lawfulness for a single storey rear 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 A 'development within the curtilage of a dwellinghouse'.

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 extension will not exceed more than 50% of the total curtilage of the site.

Complies – The proposed extension will not exceed more than 50% of the total curtilage of the site.

(c) 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 proposed extension will not exceed the height of the highest part of the roof of the existing dwellinghouse.

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.

Complies – The proposed extension does not have eaves as it will connect with the bay window above.

(e) The enlarged part of the dwellinghouse would not extend beyond a wall which—

(i) fronts a highway, and

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

Complies – The proposed extension is located on the rear elevation.

(f) The enlarged part of the dwellinghouse would have a single storey and would not —

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height.

Complies – The proposed extension will not extend with more than 3 meters from the rear wall.

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height

Complies – N/A

(h) The enlarged part of the dwellinghouse would have more than one storey and—

(i) does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) would not be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

Complies – The proposed extension will be of single storey.

(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would not exceed 3 metres;

Complies – The proposed extension does not have eaves as it will connect with the bay window above, however the height of the extension is less than 3 metres.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would not—

(i) exceed 4 metres in height,

(ii) have more than one storey, or

(ii) have a width greater than half the width of the original dwellinghouse;

Complies – N/A

(k) It would not consist of or include—

(i) the construction or provision of a veranda, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.

Complies – It will not consist of these elements.

A.2. In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

Complies – The site is not located in conservation area.

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

(a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Complies – The proposed materials will be matching.

(b) 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 new side windows are being proposed.

(c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Complies – No pitched roof is being proposed.

Part 1, 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 chimney, but instead to remove the chimney pots, resulting in decreased overall height.

(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.

Part 2, Class A: gates, fences, walls etc

A certificate of lawfulness for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Part 2, Class A 'gates, fences, walls etc'.

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

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

Complies – The proposed fence will be of the same height as the current fence.

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

Complies – The proposed fence will be of the same height as the current fence.

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

Complies – The proposed fence will be of the same height as the current fence.

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Complies – The building is not a listed building.

Interpretation of Class A - For the purposes of Class A, "school" includes the premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

Part 14, Class A: – installation or alteration etc of solar equipment on domestic premises

A certificate of lawfulness for the installation or alteration etc of solar equipment on domestic premises can be issued if the proposal meets all the criteria under PART 14 Renewable energy - Class A – installation or alteration etc of solar equipment on domestic premises.

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

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

Complies - the solar PV equipment will not protrude more than 0.2 metres.

(b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney)

Complies – the solar PV equipment will not be higher than the highest part of the roof.

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

Complies – N/A

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Complies – The solar PV equipment will not be installed on a site designated as a scheduled monument.

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Complies – The solar PV equipment will not be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

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

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

Comment – The solar PV panels are sited as far as practicable.

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

Comment – The solar PV panels are sited as far as practicable.

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Complies – N/A

Part 14, Class G: – installation or alteration etc of air source heat pumps on domestic premises

A certificate of lawfulness for the installation or alteration etc of air source heat pumps on domestic premises can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Part 14, Class G ‘installation or alteration etc of air source heat pumps on domestic premises’.

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

G.2 Development is not permitted by Class G if—

(a) in the case of the installation of an air source heat pump, the development would result in the presence of more than 1 air source heat pump on the same building or within the curtilage of the building or block of flats;

Complies – The installation of proposed air source heat pump will not result in the presence of more than 1 air source heat pump on the same building or within the curtilage of the building.

(b) in the case of the installation of an air source heat pump, a wind turbine is installed on the same building or within the curtilage of the dwellinghouse or block of flats;

Complies – There is no wind turbine present or proposed.

(c) in the case of the installation of an air source heat pump, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or block of flats;

Complies – There is no stand-alone wind turbine present or proposed.

(d) the volume of the air source heat pump's outdoor compressor unit (including any housing) would exceed 0.6 cubic metres;

Complies – the volume of the air source heat pump's outdoor compressor unit (including any housing) would exceed 0.6 cubic metres;

(e) any part of the air source heat pump would be installed within 1 metre of the boundary of the curtilage of the dwellinghouse or block of flats;

Complies – The air source heat pump will not be installed within 1 metre of the boundary of the curtilage of the dwellinghouse.

(f) the air source heat pump would be installed on a pitched roof;

Complies – The air source heat pump will be installed on a flat roof.

(g) the air source heat pump would be installed on a flat roof where it would be within 1 metre of the external edge of that roof;

Complies – The air source heat pump will not be within 1 metre of the external edge of that roof.

(h) the air source heat pump would be installed on a site designated as a scheduled monument;

Complies – The air source heat pump will not be installed on a site designated as a scheduled monument.

(i) the air source heat pump would be installed on a building or on land within the curtilage of the dwellinghouse or the block of flats if the dwellinghouse or the block of flats is a listed building;

Complies – The building is not a listed building, nor it is located within the curtilage of one.

(j) in the case of land within a conservation area or which is a World Heritage Site the air source heat pump—

(i) would be installed on a wall or a roof which fronts a highway; or

(ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or

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

(k) in the case of land, other than land within a conservation area or which is a World Heritage Site, the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if—

(i) that wall fronts a highway; and

(ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground floor storey.

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

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

(a) the air source heat pump is used solely for heating purposes;

Complies – the air source heat pump will be used solely for heating purposes.

(b) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

Complies – The air source heat pump is located as far as practicable.

(c) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

Complies – The air source heat pump is located as far as practicable.

(d) the air source heat pump is removed as soon as reasonably practicable when no longer needed.

Complies – N/A

SUMMARY AND CONCLUSION

The proposed development constitutes permitted development by virtue of Schedule 2, Part 1, Class A, G, Part 2, Class A and Part 14, Class A, G 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: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.