



Officer Report

Application Number: HGY/2024/0559
Application Type: Lawful development: Proposed use
Address: Coldfall Primary School, Coldfall Avenue, Hornsey, London, N10 1HS
Proposal: Certificate of Lawful Development (Proposed) for the erection of single storey extension which extends beyond the rear wall of the main hall of the school by 4.7m, for which the maximum height would be 4.3m, the gross external area covered is 31.5 m2, insertion of 1 new window at rear kitchen wall
Case Officer: Iliyan Topalov
Valid Date: 01/03/2024
Applicant: Mr. Thomas Londra
Agent: Ms. Simona Nica

RECOMMENDATION

Permitted Development

DETAILS OF PROPOSAL

This is an application for a Certificate of Lawfulness for the erection of single storey extension which extends beyond the rear wall of the main hall of the school by 4.7m, for which the maximum height would be 4.3m, the gross external area covered is 31.5 m2, insertion of 1 new window at rear kitchen wall

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 M – extensions etc for schools, colleges, universities and hospitals

A certificate of lawfulness for the erection, extension or alteration of a school, college, university or hospital building can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Part 7, Class M 'extensions etc for schools, colleges, universities and hospitals'.

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

- (a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—
(i) 25% of the gross floor space of the original school, college, university or hospital buildings; or
(ii) 100 square metres,

whichever is the lesser;

Complies – The proposed extension is less than 25% of the gross floor space of the original school, and it is with proposed gross external area coverage of 31.5 m².

(b) if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;

Complies – The distance between the proposed extension and the boundary of the curtilage is 11.9m.

(c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;

Complies – The proposed extension will not impact the provision of playing fields.

(d) if the height of any new building erected would exceed 5 metres;

Complies – No new building is being erected on site.

(e) if the height of the building as extended or altered would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or

(ii) in all other cases, the height of the building being extended or altered;

Complies – The height of the proposed extension is 4.3m; it will match the height of the kitchen, and it will not exceed the height of the main hall.

(f) if the development would be within the curtilage of a listed building; or

Complies – The erection of the extension and the insertion of the new window will not be within the curtilage of a listed building.

(g) unless—

(i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;

(ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.

Complies – The predominant use of the existing buildings on the premises is for the provision of education.

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

(a) the development is within the curtilage of an existing school, college, university or hospital;

Complies – The proposed extension will extend from the rear wall of the main hall.

(b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;

Complies – The use of the proposed extension will be incidental to the use of the school.

(c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and

Complies – No new buildings are being erected.

(d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Complies – The school is not located in a conservation area, but the materials will match the existing materials.

Interpretation of Class E – M.3 For the purposes of Class M – “original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class M; and “school” does not include a building which changed use by virtue of Class S of Part 3 of this Schedule (changes of use), where 2 or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement.

SUMMARY AND CONCLUSION

The proposed development constitutes permitted development by virtue of Schedule 2, Part 7, Class M 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.