

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2023/3714/P
<b>Officer</b>		<b>Expiry date</b>	
Fast Track Team – Geri Gohin		19/12/2023	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
57 Hillfield Road London NW6 1QD			
<b>Conservation Area</b>		<b>Article 4</b>	
N/A		Basements	
<b>Proposal</b>			
Enlargement of existing rear dormer.			
<b>Recommendation:</b>		Grant lawful development certificate.	

## Site Description

The application site is a two-storey plus attic and basement terraced property. The property is not listed or located in a Conservation Area. However West End Green Conservation Area starts at the junction between Hillfield Road with Aldred Road.

## Planning History

Previous planning permission was granted for the erection of a single storey ground floor side infill extension, under application ref: 2020/3242/P dated 02/12/2020.

Planning permission 2021/6035/P was refused for the single storey side and rear extension, under application ref: 2021/6035/P dated 03/03/2022.

A GPDO Prior Approval ref: 2022/1640/P was granted for the erection of a 6m deep single storey 'infill' extension and a 2m deep single storey addition to existing two storey rear wing, dated 20/06/2022.

Finally, planning permission was withdrawn under application ref: 2023/3568/P for the erection of single storey rear extension to first floor, dated 26/01/2024.

There are a number of various dormers to the rear roofs of properties along Hillfield Road.

## Proposals

The proposal is for the enlargement of an existing rear dormer. The width of the existing dormer is approximately 2.2m and it is proposed to enlarge it by approximately 1.3m.

## Responses

Given the nature of certificate of lawfulness applications, and in particular that purely matters of legal fact are involved in their determination, the Council does not have a statutory duty to engage in a formal consultation process.

Notwithstanding this, it is Council practice to allow a short period of time for our local residents and amenity groups to comment should they choose to do so. As such, the details of the application were made available online.

During this period, two objections from neighbours were received.

- The first one from a direct neighbour at No. 55 objects to the fact that there is proposed to be a balcony at roof level.
  - *Case officer's response: Juliet balconies benefit from permitted development rights as long as they don't include a platform and therefore no external access. However, in this case, a number of revisions were submitted and the Juliet balcony does no longer form part of this Certificate.*
- The second objection reiterates the point made from the above neighbour that "a certificate of lawfulness cannot be retrospectively issued for a proposal which does not initially qualify as permitted development."
  - *Case officer's response: As mentioned above, the Juliet balcony is no longer included in this Certificate.*

## Assessment

Under Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 it is possible to undertake an extension of enlargement of a roof of a single dwelling house subject to certain criteria and conditions.

Below the proposal is considered under each of the criteria and conditions of Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015:

If yes to any of the questions below the proposal is not permitted development		Yes/no
B.1 (a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	No
B.1 (b)	Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	No
B.1 (c)	Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	No
B.1 (d)	the cubic content of the resulting roof space would exceed the cubic content of the original roof 40 cubic metres in the case of a terrace house, or (i) space by more than— 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	No <b>(calculated as approx. 6.2 cubic metres)</b>

B.1 (e)	would it 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?	No
B.1 (f)	Is the dwellinghouse on article 2(3) land?	No
B.1 (g)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).; or	N/A
B.1 (h)	The existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).	No
Conditions - If no to any of the questions below the proposal is not permitted development:		
B.2(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;	Yes
B.2(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	Yes <b>(According to the proposed drawings the rear dormer extension would be approx. 0.45m from the eaves)</b>
B.2(c)	any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, (ii) 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.	N/A

## Conclusion

The proposal has been assessed to comply with the criteria and conditions for an enlargement to a roof of a dwellinghouse under Class B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is therefore considered permitted development. A Certificate of Lawfulness can therefore be granted.

## Recommendation

Grant Certificate of Lawful Development