

LDC (Proposed) Report		Application number	2024/3963/P
Officer		Expiry date	
Lauren Ford		11/11/2024	
Application Address		Authorised Officer Signature	
29 Solent Road London NW6 1TP			
Conservation Area		Article 4	
N/A		Basements	
Proposal			
Erection of rear roof dormer with rooflight, dormer over outrigger roof with Juliette balcony at second floor level, 3x rooflights on front roof slope and replacement windows to the front and rear elevation.			
Recommendation:		Refuse Lawful Development Certificate	
Site			
The application site comprises a two storied terraced property located on the western side of Solent Road. The site is not within a conservation area, and no listed buildings are affected.			
Class A The enlargement, improvement or other alteration of a dwellinghouse			
The following assessment relates to the proposed replacement windows to the front and rear elevations. The proposed drawings state that existing timber framed windows are to be replaced with UPVC windows.			
Conditions. If yes to any of the questions below the proposal is not permitted development			Yes/no
A.1 (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 (changes of use).	No	
A.1 (b)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No	
A.1 (c)	Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	No	
A.1 (d)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse?	No	
A.1 (e)	Will the enlarged part of the dwellinghouse extend beyond a wall which	No	

	(i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse;	No
A.1 (f) (subject to A.1(g))	subject to paragraph A.1(g), will the enlarged part of the dwellinghouse have a single storey and (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?	N/A N/A
A.1 (g)	For a dwellinghouse not on article 2(3) land* nor on a site of special scientific interest, will the enlarged part of the dwellinghouse 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?	No No
A.1 (h)	Will the enlarged part of the dwellinghouse would have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwelling house	N/A N/A
A.1(i)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	No
A.1 (j)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse?	N/A N/A N/A
A.1(ja)	Will any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in A.1(e) to A.1(j)?	No
A.1(k)	Would it consist of or include either: (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?	No No No
Is the property in a conservation area (article 2(3) land)? If yes to any of the questions below then the proposal is not permitted development		

A.2(a)	Would it 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?	N/A
A.2(b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	N/A
A.2(c)	Would the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse?	N/A
A.2(d)	Would any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in sub-paragraphs A.2(b) and A.2(c)?	N/A
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	No The existing windows are timber and replacement UPVC windows are proposed.
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse 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?	N/A N/A
A.3(c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/A
* The land referred to as article 2(3) land is the land described in Part 1 of Schedule 1 to Town and Country Planning (General Permitted Development) (England) Order 2015/596 (National Parks, areas of outstanding natural beauty and conservation areas etc).		
Recommendation: Refuse Certificate of Lawfulness		

Class B		
The enlargement of a dwellinghouse consisting of an addition or alteration to its roof		
The following assessment relates to the erection of rear roof dormer with rooflight, and dormer over outrigger roof with Juliette balcony at second floor level. No specific details as to the existing materials have been provided.		
If YES to any of the questions below the proposal is not permitted development:		Yes/No
B.1(a)	Is permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?	No

B.1(b)	As a result of the works, would any part of the dwellinghouse exceed the height of the highest part of the existing roof?	No
B.1(c)	As a result of the works, would any part of the dwellinghouse 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)	As a result of the works, would the cubic content of the resulting roof space exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case?	No 39.85m ³ proposed.
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; or	No The proposal includes a Juliette balcony, however case law has established that this is appropriate in this instance.
B.1(f)	Is the dwellinghouse on article 2(3) land?	No
Conditions. If NO to the question below then the proposal is not permitted development:		

B.2(a)	Would the materials used in any exterior work be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	No Clay tiles are proposed for the dormers, however no details have been provided as to the fenestration materials.
B.2(b)(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, would the enlargement be constructed so that— (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 be less than 20 centimetres from the eaves measured along the roof slope from the outside edge of the eaves, so far as practicable?; and	Yes
B.2(b)(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 would extend beyond the outside face of any external wall of the original dwellinghouse; and	Yes
B.2(c)	Would any windows inserted on a wall or roof slope forming a side elevation of the dwellinghouse— (i) be obscured-glazed; and (ii) be 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

Recommendation: Refuse Certificate of Lawfulness

Town & Country Planning (General Permitted Development) Order 2015 (as amended) - Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse)

Class C - Any other alteration to the roof of a dwellinghouse

The following assessment relates to the proposed front rooflights.

If YES to any of the questions below the proposal is not permitted development:		Yes/No
C.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
C.1(b)	As a result of the works, would the alteration protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof?	No
C.1(c)	As a result of the works, would it result in the highest part of the alteration being higher than the highest part of the original roof?	No
C.1(d)	Would it consist of or include— (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment?	No
C.1(e)	Is the dwellinghouse built under Part 20 of this Schedule (construction of new dwellinghouses)?	No
Condition. If NO to the question below, then the proposal is not permitted development:		
C.2	Would any window located on a roof slope forming a side elevation of the dwellinghouse be— (a) obscure-glazed, and (b) 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: Refuse Certificate of Lawful Development.

The proposed drawings state that existing timber framed windows are to be replaced with UPVC windows. No evidence has been provided to suggest that there are existing UPVC windows at the application site. As such, the proposed replacement windows are not permitted under Class A.3(a) of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the proposed materials would not be of a similar appearance to those used in the construction of the exterior of the dwellinghouse.

No details have been provided around the materials proposed for the for the fenestration of the proposed dormer. As such, the proposed dormers are not permitted under Class B.2(a) of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as it has not been demonstrated on the balance of probability that the materials for the proposed dormers would be of a similar appearance to those used in the construction of the exterior of the dwelling.