

LDC (Proposed) Report		Application number	2013/7331/P
Officer		Expiry date	
Tessa Craig		10/01/2014	
Application Address		Authorised Officer Signature	
50 Meadowbank London NW3 3AY			
Conservation Area		Article 4	
Proposal			
Erection of a rear dormer roof extension.			
Recommendation:			

Site Description:

The application site comprises an existing mid terrace property situated within the Meadowbank Estate. The property is not listed, nor is it located within a Conservation Area. The property is occupied as a single family dwellinghouse.

Relevant Planning History:

48 Meadowbank

2006/3811/P: Certificate of lawfulness for proposed conversion of the integral garage into a habitable room and alterations to the roof. Granted 10/10/2006. The officer's delegated report contains the following relevant information. *Class B (b) of this schedule requires that any part of the dwelling-house would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway, require planning permission.*

Meadowbank is a private road and can only be considered to be a highway if there exists a public right of passage along the road. No such right exists. The whole of Meadowbank is private property and whilst members of the public are not physically barred from entering it, this is under the permission of the residents. For that reasons Meadowbank is not considered to be a highway as defined in the GPDO and therefore the erection of a roof extension fronting the road would meet the requirements of Class B.

34 Meadowbank

2009/3691/P: Erection of dormer windows to front and rear elevations of single family dwelling house (Class C3). Granted 16/09/2009. The officer's delegated report contains the following relevant information. *It is considered that the principal elevation is the front elevation that fronts onto a pedestrian alley way extending from 32 to 39 Meadowbank. The alleyway which runs along the front of the property is for pedestrian use only and does not allow vehicular access. It provides a pedestrian link from one part of*

Meadowbank (private road) to another part of Meadowbank (private road) which forms a cul de sac. It therefore does not provide a connection or link between what appeared to be public highway.

The term highway is not defined in the GPDO. The common law meaning of a highway is a way over which all members of the public are entitled to pass. The legal status of the footpath is not a public adopted highway but a private road. An appeal against the refusal of a lawful development certificate at Claygate Surrey in November 2007 for the erection of 1.5m high gates next to an estate access road provides relevant information for this decision. In allowing the appeal the planning inspector states “The private road extends down to the point where it meets Foley Road. There is therefore no right for members of the public to pass and repass along the estate road. Whilst they may choose to do so, they have no right to do so and consequently I do not consider that the estate road is a highway in the sense of the meaning described in common law.” She adds “I have also had regard to the fact that the estate road is a cul-de-sac serving 5 dwellings and a private garage. It is not comparable with some private roads I observed in the area which provide a connection or link between what appeared to be public highways. The public would therefore have no reason to enter the estate road unless they were visiting one of the properties. This circumstance has parallels with the appeal decision in Barnet mentioned above which concerned a cul-de-sac accessing 5 dwellings. This situation reinforces my view that the estate road is not a highway.” In the context of this appeal decision and in consideration of the nature of the pedestrian alleyway, it is not considered to form a highway.

Proposal:

A lawful development certificate is sought for the erection of a rear dormer at roof level. The proposal has been considered under Class B of the GDPO 2008 (as amended).

Class B		
The enlargement of a dwellinghouse consisting of an addition or alteration to its roof		
If yes to any of the questions below the proposal is not permitted development		Yes/no
B.1(a)	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(b)	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(c)	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- the resulting cubic content is 38m3
B.1(d)	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(e)	Is the dwellinghouse on article 1(5) land?	No
B.2(a)	Would the materials used in any exterior work be of a similar	Yes

	appearance to those used in the construction of the exterior of the existing dwellinghouse?	
B.2(b)	Other than in the case of a hip-to-gable enlargement, would the edge of the enlargement closest to the eaves of the original roof be less than 20 centimetres from the eaves of the original roof, so far as practicable?	Yes
B.2(c)	Would any windows inserted on a wall or roof slope forming a side elevation be obscured-glazed and non-opening unless the opening part is higher than 1.7 metres above the floor of the room in which the window is installed?	N/A