

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2012/6741/P
<b>Officer</b>		<b>Expiry date</b>	
Sam Fowler		13/02/2013	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
8 Meadowbank London NW3 3AY			
<b>Conservation Area</b>		<b>Article 4</b>	
<b>Proposal</b>			
Erection of extension at front third floor level in connection with existing dwellinghouse (Class C3)			
<b>Recommendation:</b>		Refuse	

The application property is an end-terraced single family dwellinghouse that does not appear to have previously been extended. A previous planning permission was submitted for a roof extension which included the creation of an extension at roofline level to the front of the dwelling. This permission was refused and the appeal later dismissed.

The application site does not lie within a conservation area, and it is not a listed building. To the front of the property is "Meadowbank", which provides vehicular access to the residents of the Meadowbank estate. The term highway is not defined in the General Permitted Development Order (GPDO) Technical Guidance, however it does state that:

*"A highway will usually include public roads (whether adopted or not) as well as public footpaths and bridleways, but would not include private driveways."*

The legal status of Meadowbank is not a public adopted highway but based on the most recent guidance is considered to be a highway: the advice is that an unadopted road can be a highway. It is also of relevance that the road can be accessed without impediment and could legitimately be used as a route between Oppidans Road and Ainger Road.

The proposal is to build a roof extension on the front roofslope of the property. This has been considered under Class A and B of the GDPO (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof).

Class A The enlargement, improvement or other alteration of a dwellinghouse		
If yes to any of the questions below the proposal is not permitted development		Yes/no
A.1 (a)	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	No

	dwellinghouse)?	
A.1 (b)	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 (c)	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?	Yes – the extension would increase the height of the eaves
A.1 (d)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse?	Yes
A.1 (e)	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?	
A.1 (f)	Will the enlarged part of the dwellinghouse have more than one 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 dwellinghouse?	No
A.1 (g)	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 (h)	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 (ii) have a width greater than half the width of the original dwellinghouse?	No
A.1(i)	Would it would 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?	Yes – the proposal would create a raised platform.
Is the property in a conservation area? 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?	No
A.2(b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	No

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?	No
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?	Yes
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
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?	Yes

This proposal has also been considered under Class B of the GDPO (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof). In this regard, consideration is given to requirement “(b)”, which stipulates that works would not be considered permitted development, if:

*“(b) 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”*

The proposal is therefore considered to not be in accordance with Article 3, Schedule 2, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as the proposed front extension would extend beyond the plane of the existing roof slope which forms the principal elevation and fronts a highway. It would therefore comprise 'development not permitted', as defined by part B.1(b).

Recommendation: Refuse the Certificate of Lawfulness

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