

LDC Report		15/03/2011
Officer Connie Petrou		Application Number 2011/0181/P
Application Address 10 Millfield Lane London N6 6JD		Drawing Numbers See decision notice
PO 3/4	Area Team Signature	Authorised Officer Signature
Proposal		
Erection of a single storey rear extension at first floor level and erection of a replacement timber garden shed at rear to existing dwelling house (Class C3).		
Recommendation: Approve Certificate of Lawfulness		
Assessment		
Introduction		
<p>A certificate of lawfulness for proposed works has been submitted for consideration by the Council. The proposed works comprise the erection of a single storey rear elevation conservatory extension which is approximately m in width, 2.5 m in depth and no more than 3.2m in height. It comprises glazed sliding doors and glazed roof.</p> <p>All works are in association with the existing single dwellinghouse (Class C3).</p> <p>The Highgate Society objected to scheme on the following basis:</p> <ul style="list-style-type: none"> • Pool house encroaches on soft landscaped part of garden; • Informal open land considered important contextually in this part of the conservation area; • Encroachment on open land detrimental to views from the Heath to the conservation area; • Relocation of external steps from the ground floor to the garden further from the house would cause overlooking problems for the neighbour even though (an inadequate amount of) trellis is proposed. <p>Officer Response: The scheme can only be assessed against the relevant planning legislation which is the Town and Country Planning (General Permitted Development) (Amendment)(No2)(England) Order 2008 ("GPDO"). This is to determine whether it is permitted development and hence can go ahead without specific grant of planning permission from the local planning authority. An assessment of its planning merits as to its acceptability under current policies is therefore not relevant or possible here, as it is purely a legal determination.</p>		

Assessment

The determination of the application can only be made by assessing whether the scheme is lawful as defined by the criteria set out in the Town and Country Planning (General Permitted Development)(Amendment)(No2)(England) Order 2008 ("GPDO"). Given the nature of the proposed works the part of the GPDO that the proposed works are considered against are Class A, which involves the enlargement, improvement or other alteration of a dwellinghouse within the curtilage of a dwellinghouse and Class E which involves the provision of any building or enclosure within the curtilage of the dwelling house incidental to the enjoyment of the dwelling house.

It is emphasised that this is a legal determination; no account can be taken of policy or advice within the Council's LDF or the planning merits of the scheme in terms of issues such as its impact on neighbour amenity, design, conservation area character or transport conditions for example.

It is considered that the scheme is lawful and permitted development as assessed against Schedule 2 Part 1 Class A of the GPDO.

In the section below is Class A in full with officer comments added in bold to denote how the proposal accords with each section:

A.1 Development is not permitted by Class A if—

(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **The application site covers a large plot and therefore the proposal is well below this figure.**

(b) 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; **The extension is single storey at ground floor level.**

(c) 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; **The extension is single storey at ground floor level.**

(d) the enlarged part of the dwellinghouse would extend beyond a wall which— (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse; **The extension is located on the rear elevation of the dwellinghouse.**

(e) the enlarged part of the dwellinghouse would 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; **The extension extends beyond the rear wall by approximately 2.5m and is no more than 3.2m in height.**

(f) the enlarged part of the dwellinghouse would 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; **The extension is single storey.**

(g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the

curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; **The height of the eaves measures approximately 2.7m**

(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(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; **The extension is entirely on the rear elevation of the building.**

Or (i) it would consist of or include—

(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. **None of the above apply to the proposed conservatory extension.**

A.2 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

(a) it would 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; **None of these materials are shown to be proposed.**

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; **The extension is entirely on the rear elevation of the building.**

Or (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse. **The rear extension is single storey in height.**

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; The proposed rear extension is considered to constitute a conservatory; hence this does not apply. **The fenestration alterations on the rear elevation are proposed to be similar in appearance to those existing.**

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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; **All works are at ground floor level.**

And (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse. **The extension is single storey.**

In the section below is Class E in full with officer comments added in bold to denote how the proposal accords with each section:

Development is not permitted by Class E if—

(a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage

(excluding the ground area of the original dwellinghouse); **The application site covers a large plot and therefore the proposal is well below this figure.**

(b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse; **The extension is located on the rear elevation of the dwellinghouse.**

(c) the building would have more than one storey; **The extension is single storey.**

(d) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case; **The building has a dual pitched roof and has a maximum height of 3.5m**

(e) the height of the eaves of the building would exceed 2.5 metres; **The height of the eaves does not exceed 2.5m.**

(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building; **The property is not a listed building.**

(g) it would include the construction or provision of a veranda, balcony or raised platform; **None of the above apply to the proposed outbuilding.**

(h) it relates to a dwelling or a microwave antenna; or **None of the above apply to the proposed outbuilding.**

(i) the capacity of the container would exceed 3,500 litres. **N/A**

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a) a World Heritage Site,

(b) a National Park,

(c) an area of outstanding natural beauty, or

(d) the Broads,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres. **N/A**

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse. **The extension is located on the rear elevation of the dwellinghouse.**

Recommendation

Grant Certificate of Lawfulness

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