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| <b>LDC Report</b>  |                            | 16/04/2010                          |
| <b>Officer</b>   |                            | <b>Application Number</b>           |
| David Peres Da Costa   |                            | 2010/0965/P                         |
| <b>Application Address</b>   |                            | <b>Drawing Numbers</b>              |
| 4 Lakis Close<br>London<br>NW3 1JX   |                            | Refer to draft decision notice.     |
| <b>PO 3/4</b>  | <b>Area Team Signature</b> | <b>Authorised Officer Signature</b> |
|  |                            |                                     |
| <b>Proposal</b>  |                            |                                     |
| Erection of 1st floor glazed extension to enclose part of the existing front balcony, replacement of door on side elevation with glazed sliding doors at first floor level, installation of three rooflights and replacement of uPVC windows with timber framed windows on front elevation of existing residential dwelling (Class C3).  |                            |                                     |
| <b>Recommendation: Refer to Draft Decision Notice</b>  |                            |                                     |
| <b>Assessment</b>  |                            |                                     |
| <p>The application relates to a 3 storey mid-terrace single family dwelling which fronts onto Lakis Close. Permitted development rights were not withdrawn by the original 1968 permission (Planning ref: 4510R). The property falls within the Hampstead Conservation Area. The design of the property is such that part of the first and second floor is built over an adjoining garage which is not part of the application property.</p> <p><b>Planning history</b></p> <p>2009/5963/P: Erection of windows and glazed roof to enclose existing front balcony, installation of three new rooflights and replacement of uPVC windows with timber framed windows on front elevation of existing residential dwelling. <u>Grant</u> – replacement windows/rooflights; <u>Refuse</u> - enclosure of the first floor balcony with windows and glazed roof.</p> <p><b>Proposal</b></p> <p>The proposal is to enclose the partially inset first floor balcony on the front elevation with windows and door and to enlarge the side door onto the balcony with full height glazed sliding doors.</p> <p>The proposal also includes the replacement of the existing windows on the first and second floor on the front elevation and installation of 3 rooflights on upper sloping and flat roofs. These elements of the proposal are identical to those which were granted a certificate of lawfulness in the previous application. The drawings also show the replacement of the glazed roof on the front elevation above the first floor living room. As this is a 'like for like' replacement, this would not require planning permission.</p> <p><b>Enclosure of first floor balcony with windows and door</b></p> <p>The proposed works involve enclosing the partially inset first floor balcony on the front elevation with</p> |                            |                                     |

windows and door. The applicant seeks confirmation that these works can be undertaken as permitted development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No.2) (England) Order 2008. The enclosure of the balcony with windows and door has been tested against the various criteria in this part of the GPDO and meets them as follows except when underlined.

#### A.1

(a) The total area of ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50%;

(b) it would not exceed the height of the highest part of the roof of the existing dwelling house;

(c) it would not exceed the height of the eaves of the existing dwelling house;

(d) it would (i) extend beyond a wall that fronts onto a highway and (ii) would form a principal elevation of the original dwellinghouse;

(e) it would not extend more than 3m beyond the rear wall of the original dwelling house and would not exceed 4 metres in height;

(f) the enlarged part of the dwellinghouse would not have more than one storey;

(g) the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part would not exceed 3m;

(h) the enlarged part of the dwellinghouse would extend beyond a wall forming the side elevation of the original dwelling house and would not (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

(i) the proposal would not consist of (i) a veranda, balcony or raised platform (ii) installation, alteration or replacement of a microwave antenna (iii) installation, alteration or replacement of a chimney (iv) an alteration of any part of the roof of the dwelling house;

Class A.2 would apply to the proposal as the site is within the Hampstead Conservation Area. In terms of this Class the proposal:

(a) would not consist of or include the cladding of any part of the exterior of the dwelling house

(b) the enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house

(c) would not have more than one storey and extend beyond the rear wall of the original dwelling house.

As indicated above, the enclosure of the balcony does not constitute permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No.2) (England) Order 2008.

An informative would be added to the decision notice to specify that should the applicant wish to enclose the balcony with windows door, a full planning application would need to be submitted to the Council for consideration.

#### **Glazed sliding doors providing access from living room to balcony**

The glazed sliding doors are not considered to be permitted development under Class A as they do

not comply with condition A.3(b): any upper floor window located in a wall forming a side elevation shall be non-opening.

### **Replacement windows**

The alterations to the fenestration are considered to be permitted development under Class A providing:

- The materials will be of a similar appearance to those used in the construction of the original dwellinghouse.

An informative will be added to the decision notice confirming this point.

### **Rooflights**

The applicant seeks confirmation that the proposed rooflights could be undertaken as permitted development under Class C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No.2) (England) Order 2008. The rooflights have been tested against the various criteria in this part of the GPDO.

#### **C.1**

- a) the alteration would not protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof (confirmed by email and also covered by informative).
- b) it would not result in the highest part of the alteration being higher than the highest part of the original roof;
- c) the development
  - (i) would not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (ii) would not consist of the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

#### **C.2**

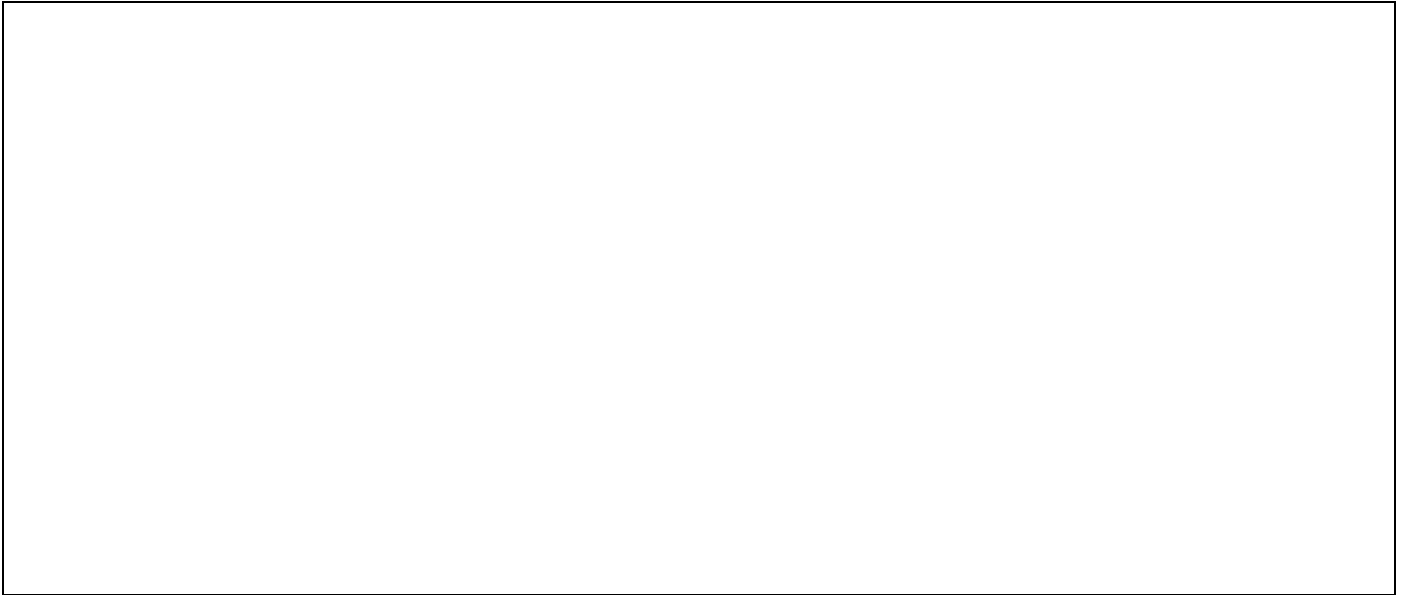
The development is not located on a roofslope forming a side elevation of the dwellinghouse.

### **Conclusion**

For the reasons outlined above, the application is recommended to be part approved and part refused.

The replacement windows are permitted under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No.2) (England) Order 2008. The rooflights are permitted under Class C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No.2) (England) Order 2008. A certificate of lawfulness would be granted for these elements of the scheme.

The enclosure of the first floor balcony with windows and door is not considered permitted development as the enlarged part of the dwelling: would extend beyond a wall which fronts a highway and forms the principal elevation; and it would extend beyond a wall forming a side elevation of the original dwellinghouse in a conservation area. The glazed sliding doors are not considered to be permitted development as they do not comply with condition A.3(b): any upper floor window located in a wall forming a side elevation shall be non-opening. These elements of the proposal would therefore not be considered as permitted development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No.2) (England) Order 2008. A certificate of lawfulness for these elements of the proposal would be refused.



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