

Delegated Report		Analysis sheet	Expiry Date:	04/11/2015
(Members Briefing)		N/A	Consultation Expiry Date:	N/A
Officer			Application Number(s)	
Leela Muthoora			2015/4676/P	
Application Address			Drawing Numbers	
69 Dartmouth Park Road London NW5 1SL			See draft decision	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of rooflight to the front roof slope and new window to the side elevation at 1st floor level.				
Recommendation(s):		Grant Certificate of Lawful Development		
Application Type:		Certificate of Lawfulness (Proposed)		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. Electronic	00		
Summary of consultation responses:	NOTE- There is no statutory requirement to consult on this application as it cannot be assessed as a normal planning application and can only have a legal determination of its lawfulness (see policy section below).					
CAAC/Local groups* comments: *Please Specify	<p>Dartmouth Park CAAC objects on the following grounds:</p> <p><i>“It should first be pointed out the DPCAAC objected to the size and construction of the first floor rear window shown under Application 2015/4425/P. It appears that the comments made by Mr Michael Port on behalf of the DPCAAC were not accurately reported on the website.</i></p> <p><i>This window appears on the new application for a Lawful Development Certificate and these objections still hold.</i></p> <p><i>The DPCAAC points out that, in assessing an Application for a Lawful Development Certificate, account has to be taken of the different conditions which apply in a Conservation Area.</i></p> <p><i>The proposed roof light on the front elevation is out of keeping with the roof profiles in Dartmouth Park Road and is entirely inappropriate in this Conservation area. Added to which, the proposed roof light detracts from the symmetry of the front of the building.”</i></p> <p>Officers response:</p> <p>The comments made about the application ref: 2015/4425/P mention the rear elevation window which does not form part of this application.</p> <p>The proposed window within the side elevation would be timber framed sash window and therefore would be of the same materials as the existing. Furthermore the window would be obscure-glazed, and non-opening.</p> <p>The proposed roof light would not protrude more than 150mm beyond the plane of the slope of the original roof.</p>					

Site Description

The application site relates to a three-storey plus attic semi-detached single family dwelling house located on the south of Dartmouth Park Road. The site is not listed but lies within the Dartmouth Park Conservation Area.

Relevant History

2015/4425/P: Erection of a single storey rear extension, enlargement of existing side dormer and associated alterations: Granted: 22/09/2015.

Relevant policies

The scheme can only be assessed against the relevant planning legislation which is the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO").

This is to determine whether it is permitted development and hence can go ahead without the 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.

Assessment

1.0 Proposal

1.1 This application seeks to ascertain whether the following proposed alterations fall under permitted development:

- Installation of rooflight to the front roof slope
- Installation of new window to the side elevation at first floor level.

2.0 Planning considerations

2.1 The determination of this application can only be made by assessing whether the scheme is lawful as defined by the volumetric/dimensional/locational criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015.

2.2 It should be emphasised that this is a determination against the GPDO and no account can be taken of policy or advice within the Camden development plans (LDF) or the planning merits of the scheme in terms of issues such as its neighbour amenity, transport impact, etc.

2.3 Part 1 Class A of the order deals with the enlargement, improvement or other alteration of a dwellinghouse and Part 1 Class C of the order deals with any other alteration to the roof of a dwelling house.

2.4 The proposed replacement side window is assessed against Class A of Schedule 2, part 1 of the GPDO.

Part 1 Class A

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 would exceed 50% of the total area of the curtilage;

Not applicable as the proposal is for a new side window.

(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;

Complies – the proposed new side window does not exceed the highest part of the roof.

(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;

Not applicable as the proposal is for a window.

(d) the enlarged part of the dwellinghouse would extend beyond a wall which fronts a highway, and forms either the principal elevation or a side elevation of the original dwellinghouse;

Not applicable as the proposal is for a window.

(e) the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres or exceed 4 metres in height;

Not applicable as the proposal is for a window.

(f) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

Not applicable as the proposal is for a window.

(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;

Not applicable as the proposal is for a window.

(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, have more than one storey, or have a width greater than half the width of the original dwellinghouse;

Not applicable as the proposal is for a window.

(i-iii) it would consist of or include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

Not applicable as the proposal does not include any of the above

(iv)) it would consist of an alteration to any part of the roof of the dwellinghouse.

Not applicable – window is on the side façade

A.2 Concerns dwellinghouses in conservation areas.

(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;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

Not applicable – the proposal does not include cladding and it is not an extension

Conditions

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

(a) the materials used in any exterior work shall be of a similar appearance to those used in the

construction of the exterior of the existing dwellinghouse;

Complies - the proposed side window will be in the same material as existing windows

(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;

Complies – the proposed window to the side elevation would be obscure glazed and non opening.

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall be the same as the roof pitch of the original dwellinghouse.

Not applicable – the proposal does not include an extension.

2.5 The proposed rooflight is assessed against Class C of Schedule 2, part 1 of the GPDO.

Part 1 Class C.

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

(a) the alteration would 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;

Complies – The proposed roof light window protrude a maximum of 150mm from the plane of the slope.

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof;

Complies – The proposed roof light window does not go any higher than the roof ridge.

(c) it would 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.

Not applicable - The proposal does not include a chimney, flue or soil, vent pipe, solar photovoltaics or solar thermal equipment.

Conditions

C.2 Development is permitted by Class C subject to the following conditions

Any upper-floor 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?

Not applicable – the proposal does not include a window in a roof slope forming a side elevation.

Recommendation: Grant Certificate of Lawfulness

DISCLAIMER

Decision route to be decided by nominated members on Monday 28th September. For further information please go to www.camden.gov.uk and search for 'members briefing'