enabling
PROJECTS
40 Sandringham Road, London NW11 9DP UK
+44 (0)20 8381 4311 interface@enablinguk.com
www.enablinguk.com

Planning Department
London Borough of Barnet
LDC Application via the Planning Portal

APPLICATION DATED: 4th January 2016

**APPLICATION UNDER SECTION 192 OF THE T&C PLANNING ACT 1990 (AS AMENDED)
STATEMENT SUPPORTING LAWFUL DEVELOPMENT CERTIFICATE APPLICATION
FOR THE LAWFUL BUILDING OPERATIONS FOR ROOF EXTENSIONS TO 1, 2, 3 AND 4 TOBIN CLOSE, LONDON NW1 3DY**

INSTRUCTION BY

We are instructed by Mrs. Elizabeth Dicks of Nos. 1 and 2 Tobin Close, London, NW3 3DY, Mr. & Mrs Deborah & Simon Taffler of No. 3 Tobin Close and Mr. John Morris of No. 4 Tobin Close, to submit a Lawful Development Certificate application under section 192 of the Town & Country Planning Act 1990 (as amended) for a determination by Camden Council that the addition of a rear roof extension to each of the said properties with rooflights on the front, as shown in the lodged drawings, are permitted development and do not require planning permission.

This Statement sets out a description of the proposed scheme and sets it in context of the General Permitted Development Order 2015 (GPDO).

SUBMITTED DOCUMENTS

This supporting letter, dated 5th January 2016

And the following drawings:

962ED_PD_REV0-SH1 - Location Plan and Existing Block Plan
962ED_PD_REV0-SH2 - Existing First Floor Plan
962ED_PD_REV0-SH3 - Existing Roof Plan
962ED_PD_REV0-SH4 - Existing Front Elevation
962ED_PD_REV0-SH5 - Existing Rear Elevation
962ED_PD_REV0-SH6 - Existing Section A-A & B-B
962ED_PD_REV0-SH7 - Existing Section C-C & D-D and Side Elev
962ED_PD_REV0-SH8- Proposed Block Plan
962ED_PD_REV0-SH9 - Proposed First Floor Plan
962ED_PD_REV0-SH10 - Proposed Loft Floor Plan
962ED_PD_REV0-SH11 - Proposed Roof Plan
962ED_PD_REV0-SH12 - Proposed Front Elevation
962ED_PD_REV0-SH13 - Proposed Rear Elevation
962ED_PD_REV0-SH14 - Proposed Section A-A & B-B
962ED_PD_REV0-SH15 - Proposed Section C-C & D-D and Side ...

SEPARATE PLANNING UNITS

A single LDC application is made for the four planning units, under section 192 of the T&CP 1990 Act (as amended). In effect, the determination should be made by the Council with the consideration in mind that each residential property has its own permitted development rights. This Supporting Statement is made with regard to this fact. All of our comments made on the GPDO refer to the PD right for each separate dormer extension with rooflights.

DESCRIPTION OF THE ROOF EXTENSIONS

The four houses are situated within a small estate called Tobin Close, located just off Fellows Road in Camden Borough. The development, built at the beginning of the 1970's, is arranged as three lines of houses plus a block of flats called Kings College Court, separated by access roads, parking areas and gardens. The line of houses along Fellows Road, which are part of the redevelopment, are numbered 29-55 and the two lines of houses within Tobin Close lie behind these, with the main front elevations facing north and the rear garden elevations towards the south.

Nos. 1-4 Tobin Close are located at the western end of the central line of houses. They are medium sized, two storey terraced houses, with No. 1 being an end of terraced unit. Drawing SH4 shows the front elevation, with the houses having integrated garages and pitched and tiled roofs. There is a small drop in level between Nos. 2 and 3.

Drawing SH1 shows the layout of the site, and drawings SH3, SH10 and SH11 show the existing and proposed roof plan. The proposed front and rear elevations are shown in SH12 and SH13. The proposed dormer windows will be situated facing the garden areas and there will be three rooflights to each property facing forwards. The rear side of the houses are quite obviously not the principal elevation.

Drawing SH9 shows the proposed first floor plan, where staircases into the loft will be created above the existing staircase and a new bedroom area created.

Drawing SH10 shows the new floor layout at roof level, with the above 1.8m height shaded in red. There will be four new, rear dormer window extensions, placed on each of the houses with boundary walls to form a line of window extensions, as shown on the floor layout and elevation plans. These will be tile matched to the existing roof tiles and will have windows to line up with those beneath. The added cubic content of the proposed roof extension to each dwelling is as follows:

1 Tobin Close: 14.4 cu.m.

2 Tobin Close: 12 cu.m.

3 Tobin Close: 12 cu.m.

4 Tobin Close: 12 cu.m.

ROOF EXTENSION PERMITTED DEVELOPMENT RIGHTS

Roof extension permitted development rights are contained within the Town and Country Planning General Permitted Development Order 2015 (the GPDO), at schedule 2, Class B. This refers to additions to the roof of a dwelling house. The permitted development regulations for this Class contain a set of limitations and conditions, which must not be breached in terms of the limitations and complied with in terms of the conditions, to make a proposed development permitted development. If they are breached and/or not complied with then planning permission is required.

CLASS B LIMITATIONS

Any enlargement of a dwelling house consisting of an additional or alteration to of roof is not permitted by Class B if certain limitations are exceeded. These are as follows, with our comments on the 1-4 Tobin Close proposal for 4 rear dormer windows being set out beneath each limitation in red italics:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

This limitation is not relevant to the case.

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

The proposed development for all for the four planning units will not exceed the highest part of the roof, as is shown in the application drawings. The highest part of the roof is the ridge line in this case.

(c) 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 effect of this requirement is that dormer windows are not permitted development where they are on a 'principal elevation' that fronts a highway. On the definition of 'principal elevation', the Government's Technical Guidance for Permitted Development (April 2014) states that:

> **In most cases, the principal elevation will be that part of the house which faces (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.**

In the case of 1-4 Tobin Close there is a road in front of the houses, where the main front doors, accesses and front gardens are, and a parking area to the rear. It is further clear that the parking area is not a highway, in the normal meaning of the word, and the rear is not a principal elevation, especially since there are rear gardens and the main access cannot be gained from this side.

Thus, the proposed dormer windows are not placed on the principal elevation or on a highway and permitted development rights are not therefore limited by limitation (c).

It is reiterated that it is not possible to have more than one principal elevation. Indeed, the Technical Guidance states at page 11:

> **There will only be one principal elevation on a house.**

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

There are (ii)50 cubic metres in any other case;

The cubic content of the proposed roof extension to each dwelling is as follows:

1 Tobin Close: 14.4 cu.m.

2 Tobin Close: 12 cu.m.

3 Tobin Close: 12 cu.m.

4 Tobin Close: 12 cu.m.

It is clear that in volumetric terms each roof extension to each of planning units does not exceed 40 cubic metres. The proposed development does not therefore breach this limitation.

(e) it would consist of or include—

(i)the construction or provision of a verandah, balcony or raised platform, or

(ii)the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

This limitation is not relevant to the case.

(f) the dwellinghouse is on article 2(3) land

The site is not within a conservation area and nor does it carry any other planning designation.

CLASS B CONDITIONS

The proposed development is also subject to a number of class B conditions, as follows:

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The dormer windows for each of planning units will be tile hung to match the existing roofs, therefore complying with this condition.

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse;

The eaves to dormer distance will be well over 20 centimetres, as is shown in the cross section drawings. The existing eaves level will be retained. No external wall is breached by the additions.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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.

There will be no side windows to any of the dormer windows

CLASS C

Each of the four properties are proposed to have three, flush fitting rooflights on the front elevation. These will be less than 15cm above tile level and will be well below the roof line. They are therefore all permitted development.

REQUEST FOR DETERMINATION

Camden Council is requested to give a LDC determination as to whether the four dormer windows plus rooflights on each of the properties 1, 2, 3, and 4 Tobin Close, London NW3 3DY are Class B and C permitted development. This Statement gives a strong indication that it is indeed PD.

We look forward to hearing from the Council on the matter.

Yours Sincerely,

[redacted]

PETER D KYTE MRTPI CGeog
CHARTERED TOWN PLANNER
& CHARTERED GEOGRAPHER