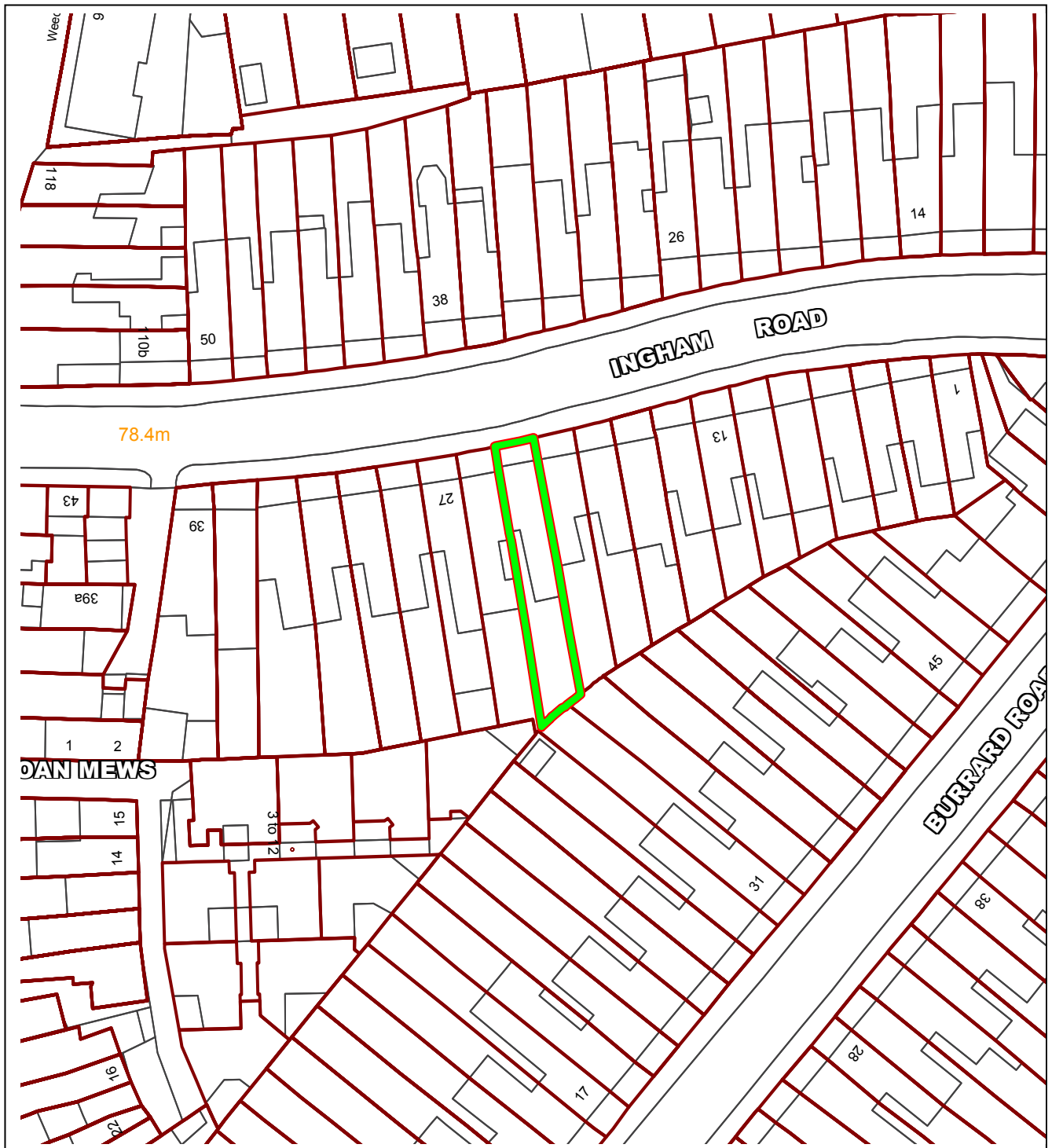


2016/4419/P - 23 Ingham Road



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2016/4419/P - 23 Ingham Road

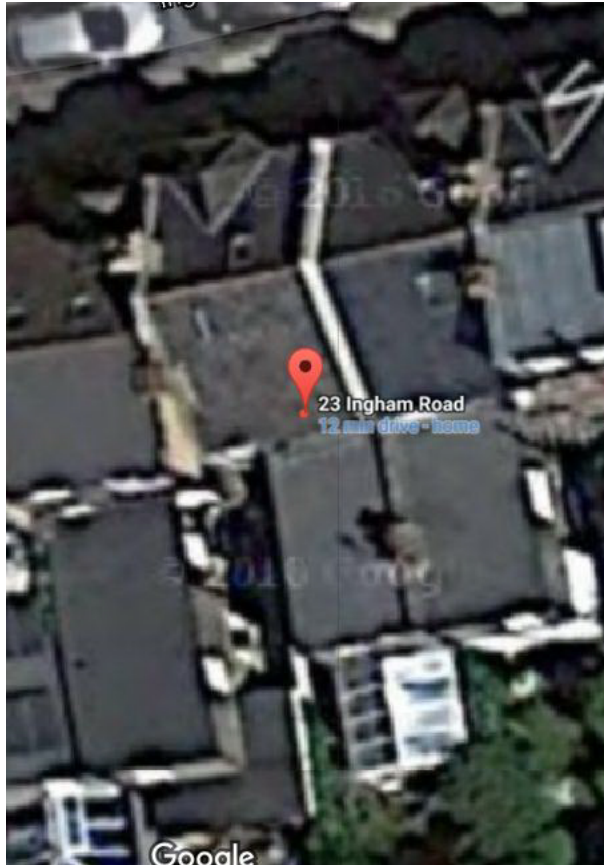
1. Front Elevation



2. Rear Elevation



3. Aerial views



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	27/10/2016
		N/A		Consultation Expiry Date:	N/A
Officer			Application Number(s)		
Leela Muthoora			2016/4419/P		
Application Address			Drawing Numbers		
23 Ingham Road London NW6 1DG			Site location plan, 001, 002 RevA, 003, 004, 005, 006 RevA, 007, 008 RevA, 009; 010 RevA; 011; 012 RevA; 013; 014 RevA		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a rear dormer roof extension with Juliet balcony, 'pod' roof extension above two storey rear addition and installation of 3x rooflights to the front roof slope.					
Recommendation(s):		Grant certificate			
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	05	No. of objections	05
			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).					
	Objections from local residents at 9, 19, 21 and 25 Ingham Road and one response from an unknown address with the following concerns. 1. No consultation letter received 2. Overdevelopment of the site 3. Out of keeping with the character of the existing building and local area. 4. Development would set a precedent 5. Loss of sunlight 6. Overlooking and loss of privacy 7. Loss of views 8. Structural stability of additional weight of development					
	<u>Officer comment</u> 1. There is no statutory requirement to consult on this application as it cannot be assessed against national and local policy as it is a legal determination. 2. The design of the scheme cannot be taken into account as long as it complies with permitted development rights. 3. As above. 4. A certificate was granted for a similar development at no. 34 (see relevant history below) 5. Amenity issues cannot be assessed in the determination as this is a legal determination and Camden policy and guidance cannot be taken into account. 6. As above. 7. Loss of a view is not material planning considerations. 8. Structural stability matters are controlled under building regulations.					

Site Description

The application site is a two storey terraced single family dwelling house located on the south side of Ingham Road between Fortune Green Road and Finchley Road. The site is not within a conservation area and is not listed or subject to any other designations.

Relevant History

Site address 23 Ingham Road
 2016/0008/P Certificate of Lawfulness - Granted 08/01/2016
 Erection of a rear roof dormer and a rooflight to the front roof slope.

Opposite on same road at 34 Ingham Road

Relevant policies

The proposals 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").

The application is to determine whether the proposal is permitted development and can go ahead without the grant of planning permission from the planning authority. This is made by assessing whether the scheme is lawful as defined by criteria set out in the GPDO.

As this is a process of legal determination against the GPDO, an assessment of the planning merits of the proposal under current policies or guidance within the Camden development plans (LDF) such as impact on neighbour amenity and design, cannot be taken into account.

Assessment

The proposal includes

1. The addition of a dormer extension to the rear roof slope and a roof extension to the rear two storey closet wing. The rear roof extension would join the main building at the eaves of the existing roof, creating an L-shaped addition. Full height windows to rear dormer extension with 'Juliet' balcony.
 2. Three roof lights to the front roof slope.
 3. Alterations to chimney at rear.
1. The dormer extension to the rear roof slope and a roof extension to the rear two storey closet wing and Juliet balcony are assessed against Class B of Part 1 of Schedule 2 of the GPDO which permits the enlargement of a dwelling house by addition or alteration to its roof.

Class B

The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

If the answer is yes to any of the questions below the proposal is not permitted development

B.1(a)	As a result of the works, would any part of the dwellinghouse exceed the height of the highest part of the existing roof?	No
B.1(b)	As a result of the works, would any part of the dwellinghouse extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway?	No
B.1(c)	As a result of the works, would the cubic content of the resulting roof space exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case?	No N/A
B.1(d)	would it consist of or include— (i) the construction or provision of a veranda, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe?	No No
B.1(e)	Is the dwellinghouse on article 1(5) land?	No

Conditions.

If the answer is no to any of the below then the proposal is not permitted development.		
B.2(a)	Would the materials used in any exterior work be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Yes
B.2(b)	Other than in the case of a hip-to-gable enlargement, would the edge of the enlargement closest to the eaves of the original roof be less than 20 centimetres from the eaves of the original roof, so far as practicable?	Yes
B.2(c)	Would any windows inserted on a wall or roof slope forming a side elevation be obscured-glazed and non-opening unless the opening part is higher than 1.7 metres above the floor of the room in which the window is installed?	Yes

2. The roof lights in the front roof slope are assessed against Class C of Part 1 of Schedule 2 of the GPDO which permits other alteration to the roof of a house. **Part C.1(c) does not allow for the alterations to the chimney in this class but because the alterations to the chimney are specifically provided for in Class G subject to the rules set out under that Class, they are permitted development. (See part 3 below)**

Class C Any other alteration to the roof of a dwellinghouse		
If the answer is yes to any of the questions below the proposal is not permitted development		
C.1(a)	As a result of the works, would the alteration 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?	No
C.1(b)	As a result of the works, would it result in the highest part of the alteration being higher than the highest part of the original roof?	No
C.1(c)	Would it 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?	Yes (See part 3.) No
Condition. If the answer is no to any of the below then the proposal is not permitted development.		
C.2	Would 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?	Yes Yes

3. The alteration of the chimney is assessed against Class G of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class G The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse		
If the answer is yes to any of the questions below the proposal is not permitted development.		
G.1(a)	Would the height of the chimney, flue or soil and vent pipe exceed the	No

	highest part of the roof by 1 metre or more?	
G.1(b)	in the case of a dwellinghouse on article 2(3) land, would the chimney, flue or soil and vent pipe be installed on a wall or roof slope which— (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse?	No No

Recommendation: Grant Certificate of Lawfulness

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 10th October 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Revive Renovations
12 Temperley Road
London
SW12 8QH

Application Ref: **2016/4419/P**
Please ask for: **Leela Muthoora**
Telephone: 020 7974 **2506**

30 September 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Erection of a rear dormer roof extension with Juliet balcony, 'pod' roof extension above two storey rear addition and installation of 3x rooflights to the front roof slope.

Drawing Nos: Site location plan, 001, 002 RevB, 003, 004 , 005, 006 RevB, 007, 008 RevB, 009-014

Second Schedule:

23 Ingham Road
London
NW6 1DG

Reason for the Decision:

- 1 The rear roof extension is permitted under Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 2 The roof lights in the front roof slope are permitted under Class C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)

Executive Director Supporting Communities



(England) Order 2015.

- 3 The alterations to the chimney is permitted under Class G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444) or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Executive Director Supporting Communities

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus, was would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

DRAFT

DECISION