

<b>LDC (Proposed) Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>12/12/2017</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>21/11/2017</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Leela Muthoora			2017/5814/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
41 Twisden Road London NW5 1DL			Refer to decision notice.	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Installation of 2x roof lights to the front and 2x roof lights to the rear roof slope.				
<b>Recommendation(s):</b>		<b>Grant Lawful Development Certificate</b>		
<b>Application Type:</b>		<b>Certificate of Lawfulness (Proposed)</b>		

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
<b>Summary of consultation:</b>	As the submitted application is a lawful development certificate, in line with the Town and Country Planning (Development Management Procedure) Order 2015 there was no requirement for public consultation. Notwithstanding this, any comments received in relation to the LDC application have been duly considered when determining the application.					
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
<b>Summary of consultation responses:</b>	<p>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).</p> <p>One objection was received from a local resident at 110 Chetwynd Road with the following concerns</p> <ol style="list-style-type: none"> <li>1. The number of rooflights appears excessive for purely a storage area. The applicant has already permission for a dormer over a fixed staircase. This could allow a resident to build a habitable room with the benefit of rooflights and after 4 years claim existing use. This could be prevented if the Certificate of Lawfulness referred to the numbered plans and the use shown on these drawings as a storage facility.</li> <li>2. The installation of rooflights to the front roof is particularly unfortunate as there is a run of untouched roofs in this part of Twisden Road and this would set a regrettable precedent.</li> </ol> <p><i>Officer response</i></p> <ol style="list-style-type: none"> <li>1. As outlined in the policy section, this assessment can only be based upon the criteria set out within the GPDO 2015. Notwithstanding this, as the property is a single-family dwelling, planning legislation does not include powers to control the use of specific internal rooms. The numbered plans are stated on the decision notice and the use of the loft room is not a material consideration for this assessment.</li> <li>2. As discussed above and within the policy section, this assessment is a factual test against the wording of the relevant legislation only and the Council is not afforded the right to include it's design or conservation policies as material considerations</li> </ol>					
<b>Dartmouth Park CAAC:</b>	<p>Dartmouth Park Conservation Area Advisory Committee objects on the following grounds:</p> <p>DPCAAC regrets there are proposed roof lights to the front, clearly in excess for what is needed for "storage". It is an attempt to create extra accommodation in the roof space. If the officer granting the Certificate of Lawfulness (Proposed) refers to the numbered plans and the use shown on the drawings as a storage facility, she may find it technically illegal to make it a habitable room. This has a complex planning history details of which are attached.</p>					

While the excessive number of rooflights (Installation of 2x roof lights to the front and 2x roof lights to the rear roof slope) fall within permitted development Part C, the ones proposed to the front would be the first in this unspoiled roofscape of the 1-51 odd numbered houses on Twisden Road.

In the interest of preserving the conservation area's roofscape character, it would be appreciated (outside the remit of this application) for the case officer to appeal to the applicant to reconsider and install rear rooflights only. Especially as the application for the COL (Proposed) retains the loft as a storage facility, as shown on the drawings.

The information below shows the Buildings Regulations description of 'storage or loft conversion' and two rooflights would be more than adequate to provide natural light for the use of a storage facility.

[https://www.charnwood.gov.uk/files/documents/loft\\_room\\_or\\_storage\\_space/Loft%20Room%20or%20Storage%20Space.pdf](https://www.charnwood.gov.uk/files/documents/loft_room_or_storage_space/Loft%20Room%20or%20Storage%20Space.pdf)

Related works as shown in the previous application granted on Appeal 2015/2088/P for a dormer window, valid till 2018, is to provide for access to this loft storage space: Appeal Ref: APP/X5210/D/15/3132754 - 41 Twisden Road, London NW5 1DL. The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. The appeal is made by Ms Magdalena Cebula against the decision of the London Borough of Camden Council. The application Ref 2015/2088/P, dated 10 April 2015, was refused by notice dated 26 May 2015. The development proposed is for the erection of a dormer window to provide sufficient headroom to access the loft storage space from the existing stairwell. These roofs are very shallow and do not have the required habitable room height as per Council's policy, and would in any event otherwise fall under a Change of Use within the volume of the dwelling house if used as a habitable room. As it is not uncommon for these lofts in our neighbourhood to be used as a habitable space, and then by default after four years become lawful with an application for a COL (Existing), could the officer in granted the Certificate of Lawfulness (Proposed) refer to the numbered plans **and the use shown on these drawings as a storage facility**, with an Informative that any change of use to non-habitable use such as a bathroom (permitted in the reduced height restriction) would have to be apply for.

*Officer response*

*1. As outlined in the policy section, this assessment can only be based upon the criteria set out within the GPDO 2015. Notwithstanding this, as the property is a single-family dwelling, planning legislation does not include powers to control the use of specific internal rooms. The numbered plans are stated on the decision notice and the use of the loft room is not a material consideration for this assessment.*

*2. As discussed above and within the policy section, this assessment is a factual test against the wording of the relevant legislation only and the Council is not afforded the right to include it's design or conservation policies as material considerations*

## Site Description

The application site is a 3-storey mid terrace single-family dwellinghouse on the northern side of Twisden Road. The property benefits from one rear rooflight. The site is located within the Dartmouth Park Conservation and is identified as making a positive contribution to the area. There are Article 4 Directions applied to the property or wider conservation area, which act to curtail permitted development rights.

## Relevant History

The application site feature the following planning history:

**2015/2088/P** - Erection of rear dormer to existing single family dwelling (Class C3). Refused 26/05/2015

### Reasons for Refusal

The proposed rear dormer window, by reason of its siting and design, would result in a prominent form of development which would have a detrimental impact upon the host building, detract from the integrity of the unaltered roofscape of the group of buildings 1-51 Twisden Road and have a detrimental impact upon the character and appearance of the Dartmouth Park Conservation Area.

APP/X5210/D/15/3132754 - Appeal allowed 25/11/2015

The Planning Inspector's observations included the following: 'Therefore, whilst I acknowledge that the existing, largely unbroken rear roof line, is part of the established character of the Conservation Area and contributes to its appearance, I consider that the proposed rear dormer window, by reason of its siting and design would not result in a prominent form of development. Consequently, its visual impact upon the host building and within the terrace of which it forms part, would not be visually detrimental, and I find that as a whole the proposal would preserve the character and appearance of the Conservation Area.'

### Other relevant planning history:

64 Twisden Road (neighbouring site) **2008/0222/P** - Installation of 3 velux windows to existing front pitched roof and erection of dormer to rear roof to replace existing dormer. Part Granted/Refused - 06/03/2008 (roof lights granted, dormer refused under the certificate)

68 Twisden Road (neighbouring site) **2014/5582/P** - Installation of dormer and two rooflights to roofspace on rear elevation and two rooflights at the front. Granted 09/12/2014.

66 Twisden Road (neighbouring site) **2015/1279/P** - Installation of 3 front rooflights, 1 rear rooflight, a rear dormer, and conversion of the loftspace into habitable accommodation. Granted 15/05/2015.

70 Twisden Road (neighbouring site) **2012/0852/P** - Erection of a dormer window to rear of dwelling house (Class C3) and the installation of two rear rooflights and a front rooflight. Refused 16/04/2012, allowed at appeal 08/10/2012.

## Relevant policies

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

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

### 1. Proposal

1.1. Permission is sought for the installation of four roof lights, two to the front roof slope and two to the rear roof slope. The roof lights dimensions are 1.18m x 0.55m to the front slope and 1.40m x 0.78m to the rear and all project 80mm above the roofline, with timber frames to match the existing.

1.2. The roof lights in the front roof slope are assessed against Class C of Part 1 of Schedule 2 of the GPDO, which permits alterations other than enlargement by addition or alteration, to the roof of a house.

### ASSESSMENT AGAINST GPDO (2015)

#### Class C

*Any other alteration to the roof of a dwellinghouse*

C1 (a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)	No	
C1 (b)	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	
	<i>Complies: The proposed roof light windows protrude a maximum of 80mm from the plane of the slope.</i>		
C1 (c)	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?		
	<i>Complies: The proposed roof light windows would not be any higher than the roof ridge.</i>		
C1 (d)	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?	No No	
	<i>Not applicable: The proposal does not include a chimney, flue, soil or vent pipe, solar photovoltaics or solar thermal equipment.</i>		
Condition. If no to the question 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?	N/A N/A	
	<i>Complies: The proposed roof light windows would not be located on a roof slope forming a side elevation.</i>		

### 2. Conclusion

2.1. The host dwelling is a single family dwelling house which benefits from permitted development rights afforded under the GPDO. The proposed rooflights remain in accordance with the criteria outlined by Class C, Part 1 of Schedule 2 of the GPDO and are therefore lawful, not requiring planning permission.

**3. Recommendations:**

3.1. 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 11 December 2017, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***