



ISLINGTON

Planning Service
Public Protection Division
Environment and Regeneration
Department
PO Box 3333
222 Upper Street
London
N1 1YA

PLANNING COMMITTEE A		AGENDA ITEM NO:	B1
Date:	24 th April 2012	NON-EXEMPT	

Application number	P120559
Application type	Certificate of Lawfulness
Site Address:	35 Gillespie Road, London, N5 1LH
Proposal	The erection of a roof extension on the closet wing of the property

RECOMMENDATION

That the Committee resolve to **Issue** the Certificate of Lawfulness as set out in Appendix 1.

Introduction

1. An application of this nature is not normally presented at a planning committee; however the property which is the subject of this report is owned by Councillor Debono and this application can therefore not be decided under delegated powers.

Site & Surroundings

2. The application site comprises a two-storey mid-terrace single family, residential dwelling unit which is located on the southern side of Gillespie Road. Its surroundings comprise mainly of residential properties.
3. The application site does not lie within a Conservation Area and the building is not listed.

Proposal (in Detail)

4. The applicant has applied for the construction of a roof extension which would be constructed on the roof of the existing closet wing, measuring at 6m deep x 2.1m high and 3m wide. The roof extension would facilitate the creation of an additional bedroom and en-suite. Its total cubic volume would be 39m³.

Issues

6. The main issue arising from this proposal is:
 - Does the proposal accord to Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

Relevant History

None relevant to this application

CONSULTATION

Public Consultation

7. The proposal is for a Certificate of Lawfulness, which is based on the factual, dimensions the proposal to see whether or not it accords with the Permitted Development requirements of the GPDO 2008. As such no public consultation was carried out for this application. This is normal Council procedure for such applications.

RELEVANT POLICIES

8. This is a Certificate of Lawfulness Development application and therefore is not judged against planning policy.

EVALUATION

Permitted Development

PART 1, Class B of the GPDO states that development within the curtilage of a dwellinghouse relating to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is not permitted by Class B if—

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

(b) 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;

(c) 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

(ii) 50 cubic metres in any other case;

(d) it would 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; or

(e) the dwellinghouse is on article 1(5) land.

9. As stated above the proposed roof extension measures at 6m x 2.1m x 3m and the ensuite 1m x 2m x 0.5m which brings the total cubic volume of the roof extension to 39m³ which falls below the 40 cubic meters allowed under Part 1, Class B of the GPDO 2008.
10. Furthermore, no part of the dwellinghouse would, as a result of the works, exceed the height of the existing roof, nor will any part of the dwellinghouse, 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 principal elevation of the property in question is the elevation facing the highway.
11. The proposal does not include the construction or provision of a veranda, balcony or raised platform, nor does it include the installation, alteration or replacement of a chimney, flue or soil and vent pipe and therefore complies with point (d) of Part 1, Class B of the GPDO.
12. Part 1, Class B, section (e) of the GPDO states that where a dwellinghouse is located on article 1(5) land i.e a Conservation Area the proposed roof extension would require planning permission. The application site does not lie within a Conservation Area and therefore meets this requirement.
13. The GPDO states that development is permitted by Class B subject to the following conditions—

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;

(b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

(c) any window inserted on 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

14. The proposal will be constructed in brickwork to match that of the existing building and the dormer face with slates to match the existing roof and therefore accords with all the conditions mentioned above, meeting all the requirements set out in Part 1, Class B of The GPDO 2008.
15. In light of the above, the formation of the rear dormer at second floor level is considered to constitute permitted development by virtue of Part 1 Class B of the schedule to The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Conclusion

16. It is recommended that the Certificate of Lawfulness be granted for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

SCHEDULE OF APPLICATION DETAILS	
Application reference	P120559
Proposal	The erection of a roof extension on the closet wing of the property
Drawing numbers	Site Plan; dwg. No 4242/1 & a photo of the existing front and rear elevation of the property

Type of application	Certificate of Lawfulness
Application received	8 th March 2012
Name of applicant	Tony Debono
Name of agent	John Phillips
Case officer	Jody Solomons
Area Team	East West
Heritage information	None
Ward	Finsbury Park

RECOMMENDATION A

That the grant of the Certificate of Lawfulness be subject to the following informative:

List of Informatives:

1.	In order to fully comply with the General Permitted Development Regulations the proposed side window on the proposed rear dormer must be: 1 Obscure glazed 2 Non-opening unless 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.
----	--

RECOMMENDATION B

That if members are minded to issue the Certificate of Lawfulness officers recommend that the following summary forms the **reasons for grant** to be published on the decision notice:

- This decision was made by the Members of the Planning Sub Committee A on the 24th April 2012.
- The formation of a rear dormer at second floor level is considered to constitute permitted development by virtue of Part 1 Class B of the schedule to The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.