

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 22nd September 2015

Report of

Assistant Director, Planning,
Highways & Transportation

Contact Officer:

Andy Higham 020 8379 3848
Sharon Davidson 020 8379 3841
Mr Nigel Catherall 020 8379 3833

Ward:

Cockfosters

Ref: 15/01192/CEA

Category: Cert of Lawful Use/Operation -
Proposed

LOCATION: 17 Grosvenor Gardens, London, N14 4TU

PROPOSAL: Outbuilding at rear.

Applicant Name & Address:

Mr H Eracli
17 Grosvenor Gardens
Southgate
Enfield
N14 4TU
United Kingdom

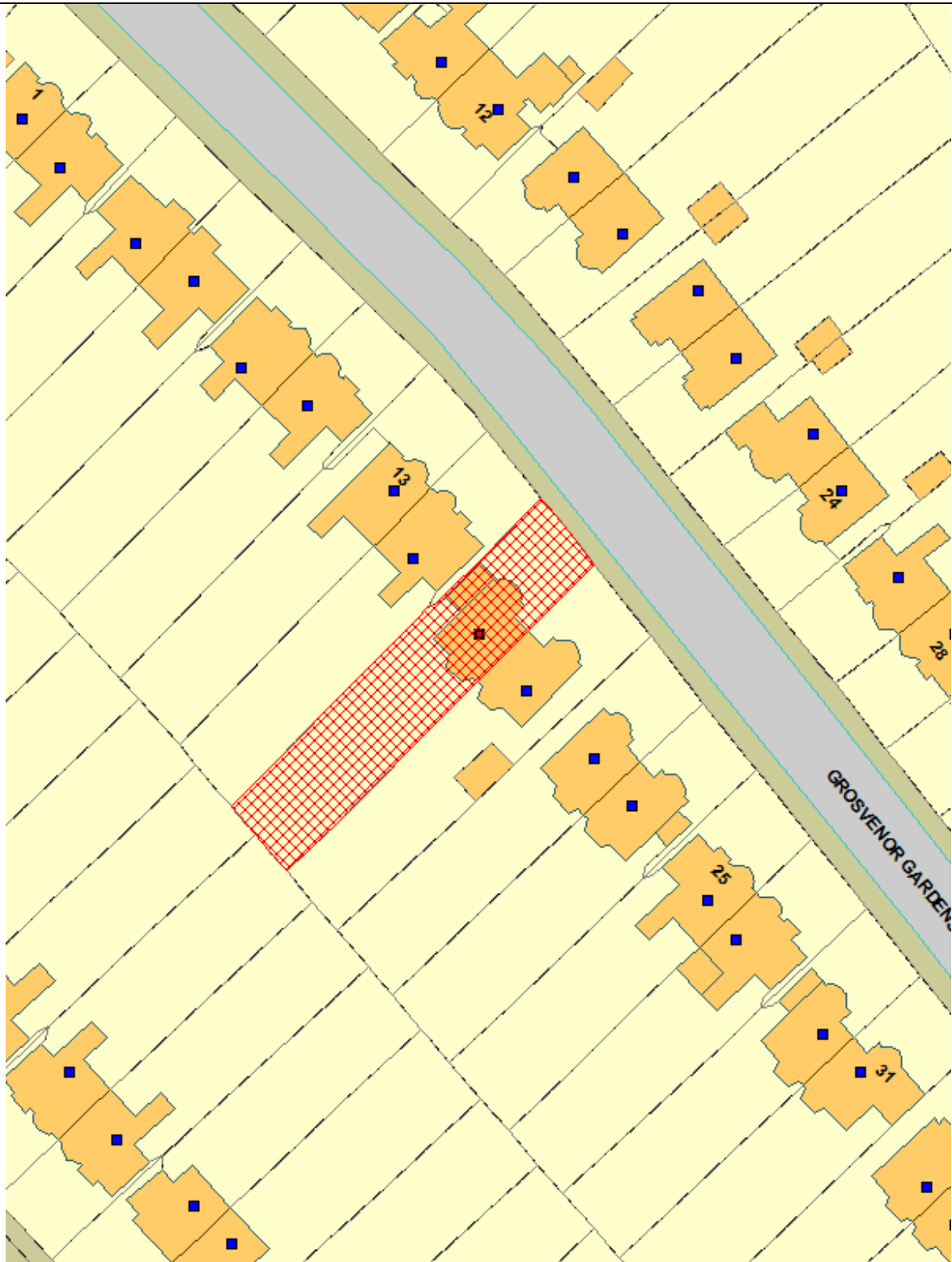
Agent Name & Address:

Mr Antoni Eracli
email or send to applicant
United Kingdom

RECOMMENDATION:

That the Certificate of Lawfulness be **GRANTED** for reasons.

Ref: 15/01192/CEA LOCATION: 17 Grosvenor Gardens, London, N14 4TU,



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Scale 1:1250

North



1. Site and Surroundings

- 1.1 The application property comprises a semi-detached dwellinghouse and a rear garden with a depth of 27m when measured from the rear building line of the original dwellinghouse. There has been previous works at the property - a single storey side and rear extension, a conversion of the adjoining side garage to a habitable room, a raised patio, and an outbuilding to the rear of the site which is currently unlawful. The rear garden also features a pair of wooden sheds. Ground level slopes downhill from north to south across the site.

2. Proposal

- 2.1 This application is for a Lawful Development Certificate under Part 1 Class E of the General Permitted Development Order and seeks confirmation that planning permission would not be required for the erection of an outbuilding in the rear garden. The proposed building would be 12.3m in length, 7.24m in width and 2.5m in height.
- 2.2 The proposed outbuilding would encompass the footprint of the existing unauthorised outbuilding but would be larger, extending towards the main dwelling and would be lower in height than the existing structure.
- 2.3 Members should note that an application for Planning Permission (15/01191/HOU) to retain the existing structure but with a reduction in height of 0.3m was received at the same time as this Lawful Development Certificate application and will be considered separately.

3. Relevant Planning Decisions

- 3.1 15/01191/HOU - Erection of outbuilding in rear garden for use as gym, ancillary to residential dwelling (PART RETROSPECTIVE). Currently under consideration.
- 3.2 15/00009/ENFORC - Without planning permission the erection of an unauthorised outbuilding within the rear garden of the Premises. Enforcement Notice currently under appeal and a decision is awaited.
- 3.3 P13-02505PLA - Erection of outbuilding in rear garden for use as gym, ancillary to residential dwelling (RETROSPECTIVE). Refused, September 2014. Appeal dismissed, February 2015.
- 3.4 CON/6914 - Without planning permission the erection of an unauthorised outbuilding (outlined in blue on the attached plan for identification purposes) within the rear garden of the Premises.

4. Consultations

4.1 Public

- 4.1.1 Consultation letters were sent to two neighbouring properties. Two replies were received raising the following relevant points:
- Remind the council that letters were provided to the Council in support of an earlier application fraudulently written in our names.

- The plans, sections and site levels too freely dismiss the topography of the site.
- Believe that these ground levels are intentionally shown to be misleading.
- Photos have been submitted demonstrating that the levels of the garden 15 Grosvenor Gardens have not be altered since its purchase in 1966.
- The garden level of 17 Grosvenor Gardens garden's was raised in 2010 under permitted development. Fraudulent letters (of support) submitted to the council's planning enforcement department.
- Existing Building (built in 2013). Fraudulent letters (of support) submitted again to the council's planning enforcement department.
- The ground level that has been submitted by 17 Grosvenor Garden has not been measured from the original ground level.
- In the application it says that 15 Grosvenor Gardens has lowered the garden level. Therefore implying that No. 19 Grosvenor Gardens' have done so to, this is not true (photographs available to prove this).
- Loss of privacy built only 13m away from back door and windows.
- Irrespective of any planning applications until the garden levels are back to its original state, any outbuilding will always impose an invasion of privacy and have a great impact upon my family.

4.1.2 Whilst the comments of adjoining residents are noted, Members should note that such comments are not material to the assessment of an application for a Certificate of Lawful Development.

5. Relevant legislation

5.1 The Town and Country Planning (General Permitted Development) (England) Order 2015.

6. Analysis

6.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out development that can be undertaken without the need for planning permission. Class E of this Order sets out the criteria against which ancillary outbuildings within the gardens of residential properties must be assessed. The relevant criteria are as follows:

- i) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) should not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- ii) No part of the building should be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- iii) The building should not have more than a single storey;
- iv) The height of the building should not exceed:
 - a) 4 metres in the case of a building with a dual-pitched roof,
 - bi) 2.5 metres in the case of a building within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - c) 3 metres in any other case;
- v) the height of the eaves of the building should not exceed 2.5m;
- vi) the building should not be situated within the curtilage of a listed building; and
- vii) it should not include the construction or provision of a verandah, balcony or raised platform

- 6.2 Having reviewed the submitted documents the criteria which requires further analysis under Part 1, Class E is the height of the proposed building in relation to ground levels.
- 6.3 Key to the above assessment is what constitutes the original ground levels. Ground levels generally slope downhill from north to south, as such each property steps down with No.15 higher than No.17, and No.17 higher than No.19 and so on.
- 6.4 Information which has been submitted by the applicant and both neighbours is conflicting. However, following a site visit to Nos 15, 17, and 19, and having viewed the documents submitted with regard to this application, along with additional information provided by residents of all three properties, it is considered that the existing rear garden level at No.17, adjacent to the boundary with No. 19 is not the original rear garden level and that the levels here have been raised. Photographic evidence provided includes a historic picture where the dilapidated fence along the shared boundary of Nos 17 and 19 reveals a low retaining wall at its base, which appears to be roughly at the same level as the adjacent garden level at No.17. Having visited No.19, the same low retaining wall is still in existence, yet the ground level at No.17 is now evidently higher than the top of the retaining wall. However, there is little evidence to suggest that levels adjacent to the boundary with No.15 have been changed and therefore on balance it is considered that these levels should be taken as original
- 6.5 The technical guidance supporting the General Permitted Development Order confirms that where ground levels change across a site, the relevant level for the purpose of considering the height of the structure and whether it is permitted development, is the higher level. Therefore, where an out building is located within 2m of a property boundary, providing that outbuilding is no more than 2.5m in height taken from the higher ground level, then it would fulfil this particular criterion, regardless of the height of the structure in relation to the lower ground level. This is the case in this instance. The proposed outbuilding would be 2.5m in height from the higher ground level nearest the boundary with No.15 Grosvenor Gardens.
- 6.6 It is noted that adjoining residents have raised objections to the proposed development on grounds of loss of privacy and intrusiveness of the proposed structure. However, the impact of the development on neighbouring properties cannot be considered with this type of the application. The Council's remit is limited to whether the development is lawful or not.

7. Conclusion

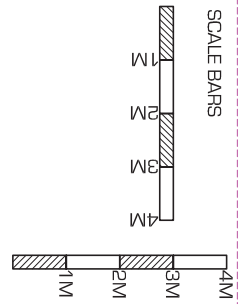
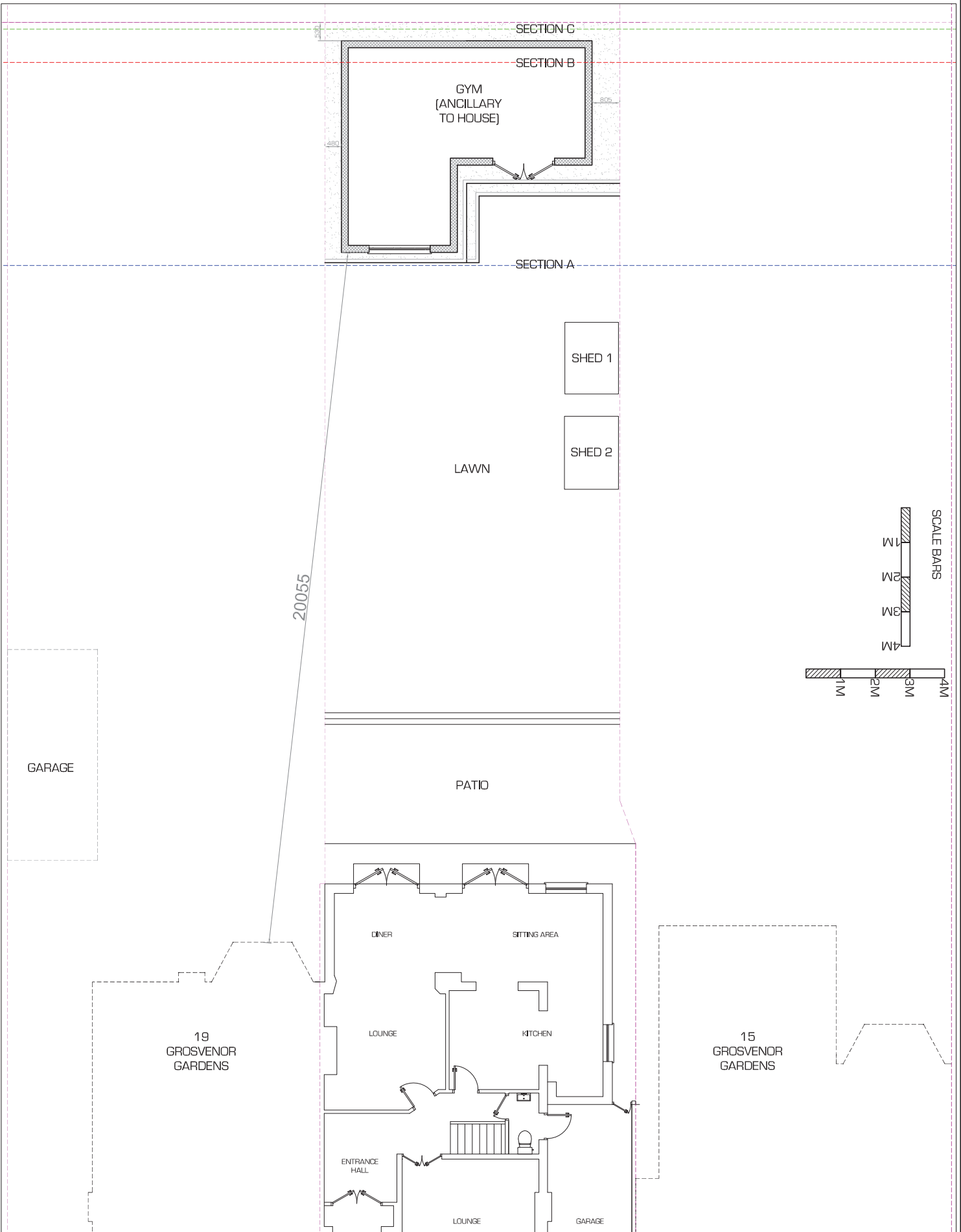
- 7.1 The proposed development satisfies all the relevant criteria listed in Class E of the General Permitted Development Order and therefore it is concluded that the proposed development constitutes permitted development and planning permission would not be required.

8. Recommendation

- 8.1 That the Certificate of Lawfulness be GRANTED for the following reasons:

1. The proposed outbuilding would constitute "Permitted Development" under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015.

GROUND FLOOR PLAN



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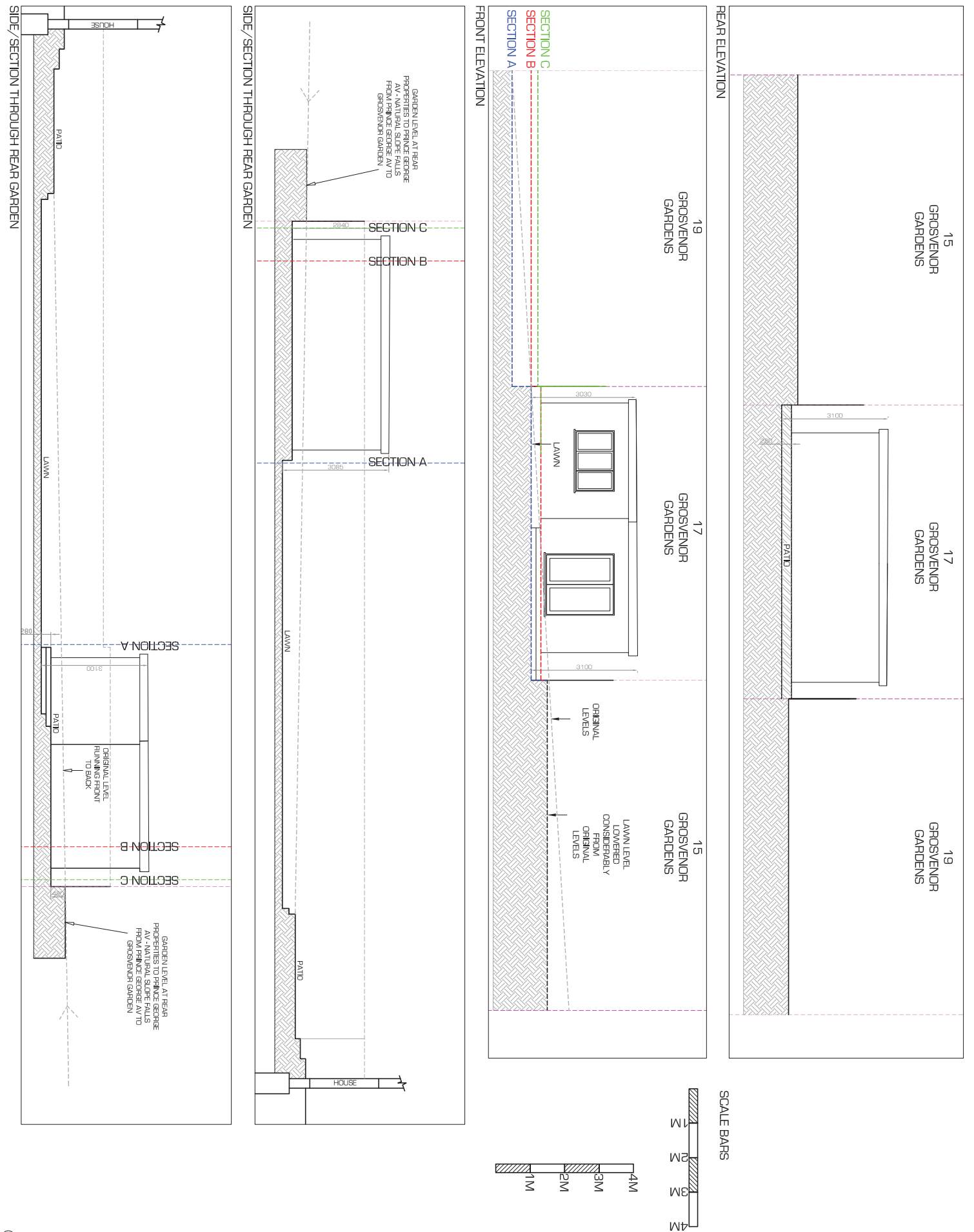
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**EXISTING SITE PLAN
 PERMITTED DEVELOPMENT**

Customer name & site address:
 Mr. H. Eracli
 17 Grosvenor Gardens
 London, N14 4TU

Works:
 Outbuilding - Permitted
 Development

Council: Enfield
 Date: 10th March 2015
 Scale: 1:100 @ A3
 Dwg no. GROS/2015/PD01



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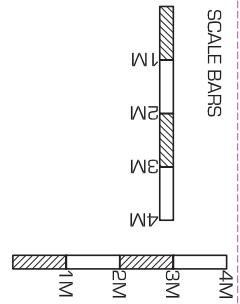
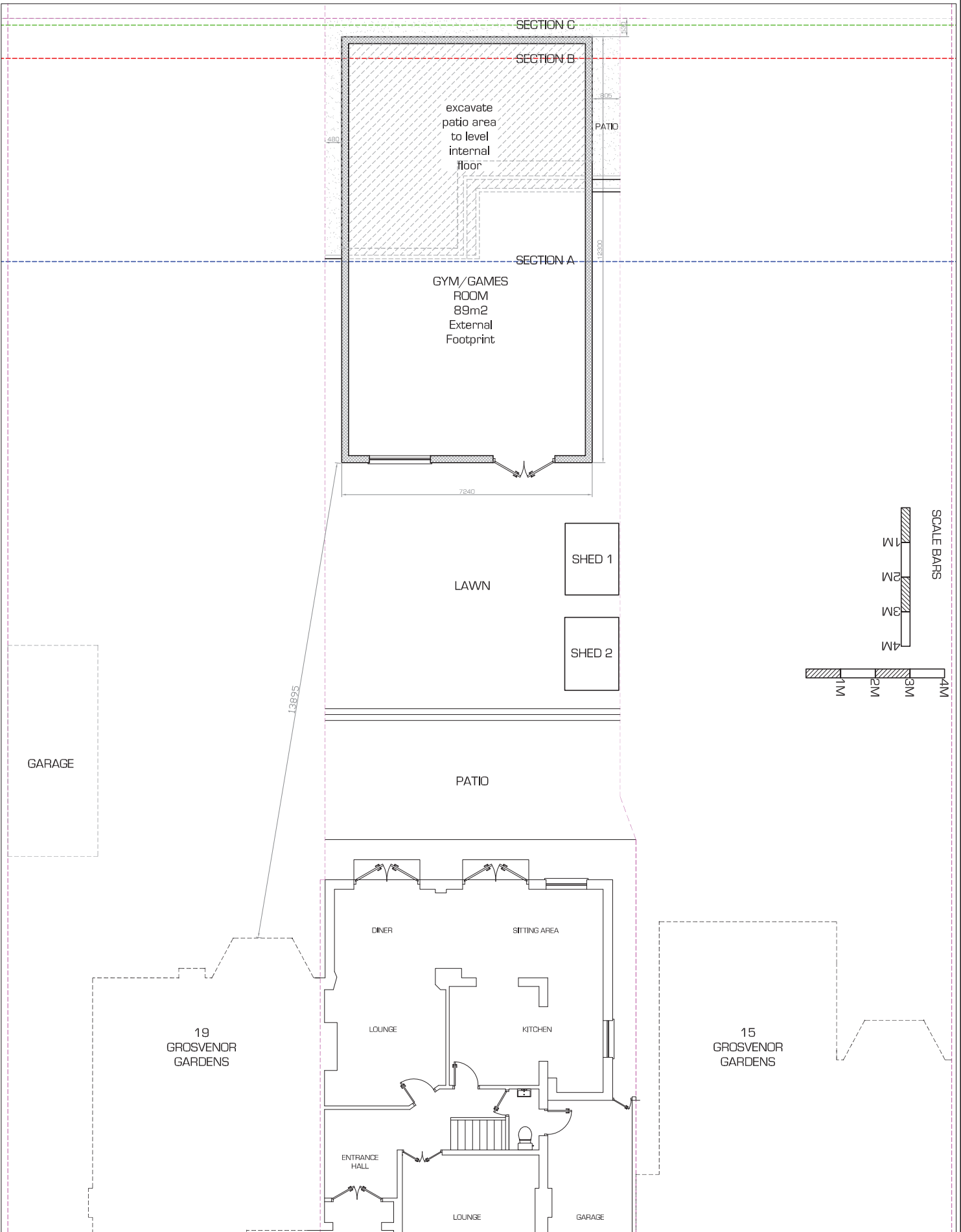
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EXISTING ELEVATIONS PERMITTED DEVELOPMENT

Customer name & site address:
Mr. H. Eracli
17 Grosvenor Gardens
London, N14 4TU

Works:
Outbuilding - Permitted Development

Council: Enfield
Date: 10th March 2015
Scale: 1:100 @ A3
Dwg no. GROS/2015/PD02



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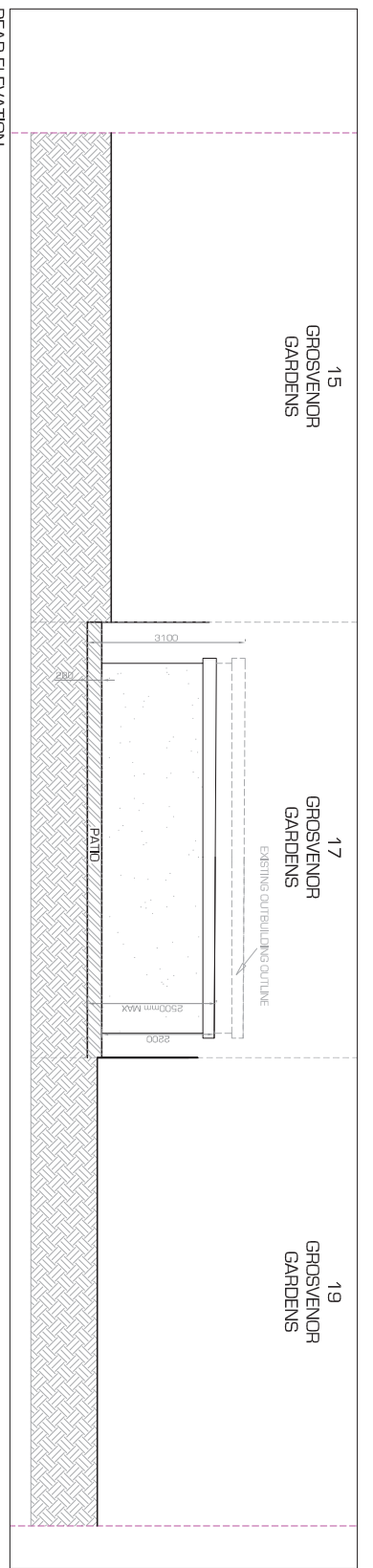
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**PROPOSED SITE PLAN
PERMITTED DEVELOPMENT**

Customer name & site address:
Mr. H. Erachi
17 Grosvenor Gardens
London, N14 4TU

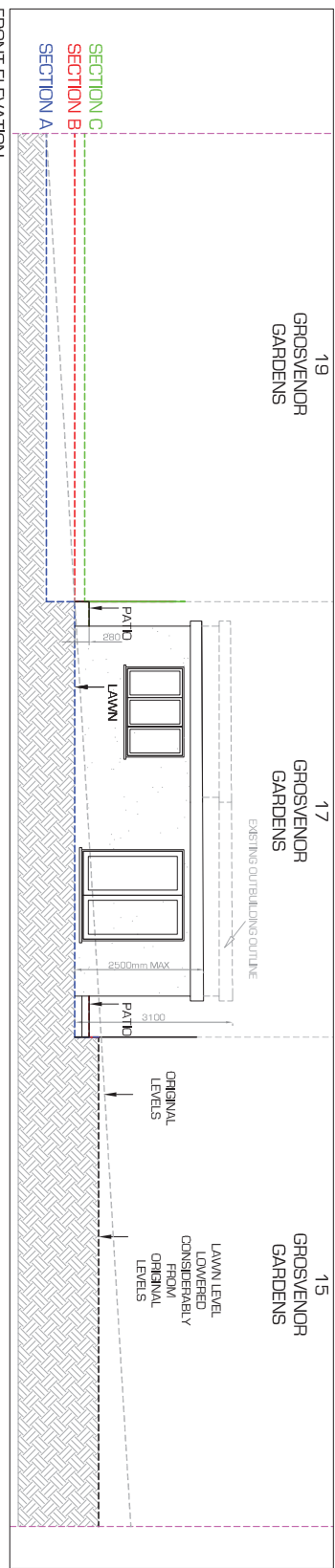
Works:
Outbuilding - Permitted
Development

Council: Enfield
Date: 10th March 2015
Scale: 1:100 @ A3
Dwg no. GROS/2015/PD03

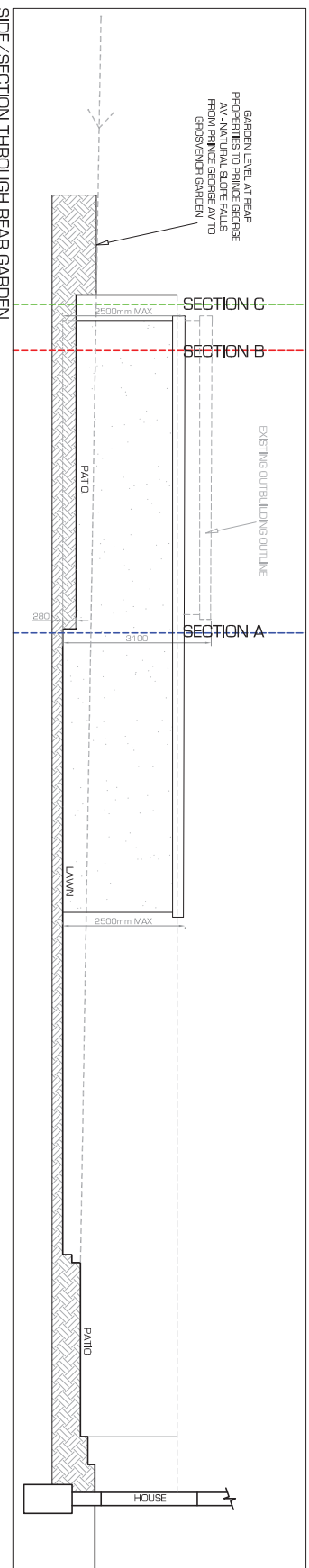


REAR ELEVATION

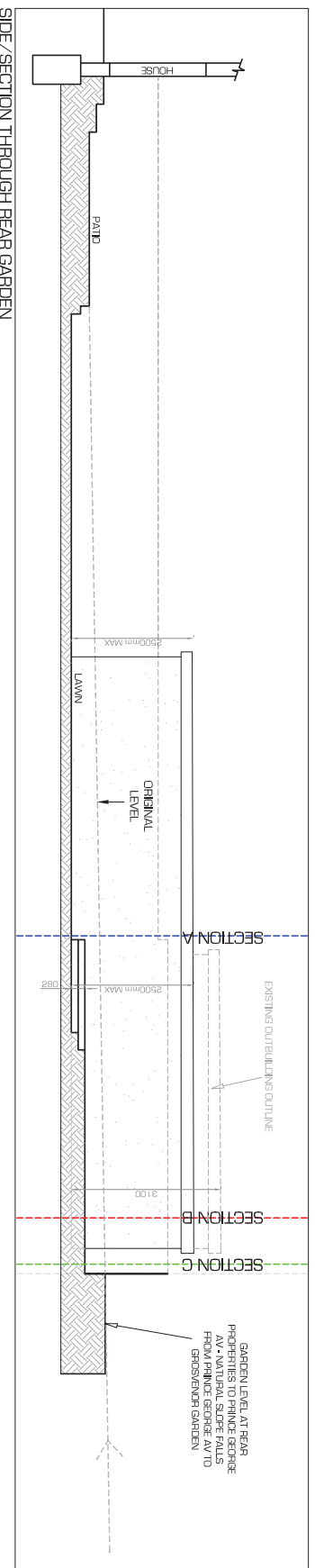
SCALE BARS



FRONT ELEVATION



SIDE/SECTION THROUGH REAR GARDEN



SIDE/SECTION THROUGH REAR GARDEN

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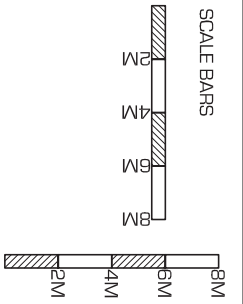
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**PROPOSED ELEVATIONS
 PERMITTED DEVELOPMENT**

Customer name & site address:
 Mr. H. Eraci
 17 Grosvenor Gardens
 London, N14 4TU

Works:
 Outbuilding - Permitted
 Development

Council: Enfield
 Date: 10th March 2015
 Scale: 1:100 @ A3
 Dwg no. GROS/2015/PD04



Notes:
The building contractor is responsible for verification of all dimensions on site.
Any works carried out prior to Local authority consent (both planning and building control) is the responsibility of the contractor.

PERMITTED DEVELOPMENT RIGHTS & AREA CALCULATION:

- *Outbuilding(s) must not cover more than 50% of the original land. This includes any other outbuildings and extensions built after the original property was built.*

Green Dash line represents the area of the original land within the curtilage of the site. This equates to = **325m²**

50% of the original land within the curtilage = **162.5m²** (permissible development area under PD)

Existing Developments = **30m²** (red dashed area)

Shed 1 = **3.2m²**

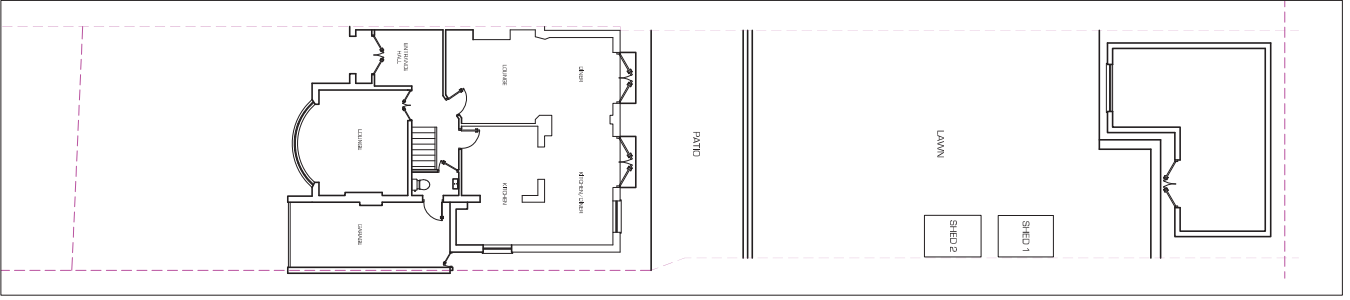
Shed 2 = **3.3m²**

Proposed Outbuilding = **90m²**

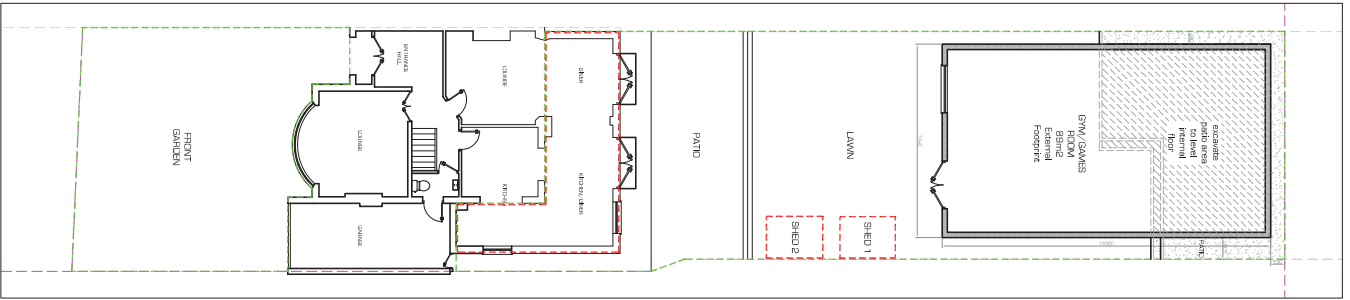
Total area to be utilised = 90 + 36.5 = **126.5m²** (below 162.5m² and therefore within permitted development criteria)

- *Overall height of the outbuilding must not exceed 2.5m if within 2m of any boundary of the curtilage.*

No part of the proposed structure shown higher than 2.5m (leaves level) off the evel of the land.



EXISTING BLOCK PLAN



PROPOSED BLOCK PLAN

EXISTING & PROPOSED BLOCK PLAN

Customer name & site address:
Mr. H. Eracli
17 Grosvenor Gardens
London, N14 4TU

Works:
Outbuilding - Permitted
Development

Council: Enfield

Date: 10th March 2015

Scale: 1:200 @ A3

Dwg no. GROS/2015/PD05

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