

## **STATEMENT OF COMPLIANCE**



**ON BEHALF OF PARAGON DEVELOPMENTS**

**LAWFUL DEVELOPMENT  
CERTIFICATE APPLICATION:  
PROPOSED TWO STOREY REAR  
EXTENSION AND ROOF  
ADDITIONS**

**82 TOLCARNE DRIVE,  
PINNER,  
HILLINGDON,  
HA5 2DG**

**AUGUST 2023**

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## **1. Introduction and Background**

- 1.1 82 Tolcarne Drive is a three-bedroom, detached dwelling, located in a residential area within Pinner. The property was constructed prior to 1948 and appears to be in its original form. The dwelling has not had any previous planning applications, nor is it within a Conservation Area or affected by any other designation.
- 1.2 The dwelling is largely consistent with the character of the surrounding area; brick construction with rendered first floor finish, and side elevations typically finished in unpainted pebbledash. Many of the properties within the area have been improved through an array of alterations and additions, including dormers, rear and side extensions, porches, and hip to gable extensions, etc. Most properties here are self-contained but with an increasing incidence of maisonettes towards Joel Street.
- 1.3 This Statement will now describe the proposed development, before setting out the operation of permitted development rights. Then, in Sections 4 through Section 6, the Statement will address the relevant steps confirming that the works would be lawful and should, therefore, benefit from all relevant permitted development rights. Summary conclusions are then drawn in Section 7.

## **2. Proposed Development**

- 2.1 The proposed development comprises two principal building operations. The first relates to a two-storey extension to the rear of the existing dwelling; the second relates to alterations to the existing roof, resulting in a new side dormer. Whilst Appendices A and B demonstrate their compliance with imposed conditions and limitations, the proposed alterations are further explained below:
  - a) The rear addition would be 3m in depth from the rear of the original dwelling and would extrude rearward, in the same form and design. The extension would create 13 cubic metres of additional roofspace<sup>1</sup>, whilst all aspects of the extension would connect to the existing dwelling.

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<sup>1</sup> Accounting for the area of the rear extension not at full height.

- b) The proposed dormer will be installed on the southeast roof slope, and inset from the outer and lower eaves. The dormer would be finished in materials to match those of the existing property, whilst new side facing windows on the first floor would be obscure glass, with fixed lower half panels on the side-facing windows, unopenable below 1.7m. This would result in 27.2 cubic meters of additional space.

2.2 The proposed extensions and alterations are shown on relevant drawings, whilst existing elevations and drawings are also provided with the application.

**3. Permitted Development Rights**

- 3.1 The proposed works are evidently 'development', being 'building operations' as set out by Section 55(1) of the Town & Country Planning Act 1990. Beyond this, the works have been specifically conceived to remain within the confines of 'permitted development', as set out in Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically Classes A and B respectively.
- 3.2 It is possible to 'test' whether proposed works are lawful through the submission of an application for a Lawful Development Certificate (LDC).
- 3.3 Powers to grant LDCs for proposed development are conferred by Section 192 of the Town & Country Planning Act 1990; specifically, that any person may seek from a local planning authority a determination, in law, as to whether proposed buildings operations are lawful and free from the possibility of enforcement action by the local planning authority.
- 3.4 The lawfulness of any operations for which a Certificate is in force shall be conclusively presumed unless there is a material change in any of the matters relevant to determining such lawfulness. In other words, lawfulness can only be assessed based on the statute in force, and information submitted at the time the determination is made. In determining whether an operation is lawful, the local

planning authority shall have regard only to the facts before it. Matters of merit (e.g., other material considerations) are irrelevant.

- 3.5 Having established that the proposed works comprise ‘development’ there are then three steps to establishing that the works do indeed benefit from permitted development rights.
- 3.6 First, it must be established that permitted development rights are intact for the property and works in question; in other words, such rights have not been withdrawn by force of statute (e.g., an Article 4 Direction) or through a condition attached to an earlier planning permission. Second, it must be clear the works fall within the scope of the relevant Class of permitted development relied upon. And third, the proposed works must comply with the limitations and conditions imposed thereupon (for example, limitations on the position and size of certain extensions).
- 3.7 When the local planning authority is satisfied that these three steps have been taken, and complied with, it must issue a positive certificate which describes the nature of the works deemed to be lawful and provides a schedule of the determinative information.
- 3.8 Importantly, it is not for the certification process to bring within its scope other works, whether or not already certified or otherwise approved. The local planning authority should assess the proposal on the basis only of the ‘existing dwellinghouse’, alongside information supplied with the LDC application. It is the responsibility of those implementing relevant works to ensure other development does not subsequently render the certified works unlawful.

#### **4. Step 1: Ensuring Rights are Intact**

- 4.1 There are no previous planning permissions relevant to the property and, as such, what stands today is consistent with the ‘original dwellinghouse’. Furthermore, the

property is not located on Article 2(3) land and no relevant Article 4 directions are in force<sup>2</sup>.

4.2 There is full confidence therefore, that the property enjoys the full range of permitted development rights afforded to it, subject to steps two and three, as follows.

## **5. Step 2: Works Within the Scope of Permitted Development**

5.1 In order to demonstrate that the proposed works fall within the scope of Permitted Development, it is necessary to observe the two principal building operations independently to assess their compliance respectively.

5.2 Firstly, Class A of Part 1, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), enables "*The enlargement, improvement or other alteration of a dwellinghouse.*" The proposed drawings evidently display that the proposed development to the rear of the property regard the enlargement of the dwellinghouse and thus falls within Class A. When considering the rear extension, tests relating to other classes are irrelevant and the proposal then requires the objective application of the law regarding a Class A development only.

5.3 Secondly, Class B of Part 1, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), enables "*The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.*" The proposed drawings demonstrate that additions to the roof are proposed, such as the creation of a new dormer, therefore falling within this class. When considering the roof additions, tests relating to other classes are irrelevant and the proposal then requires the objective application of the law regarding a Class B development only.

5.4 Whilst the restrictions and conditions of Classes A and B are necessarily extensive, as set out in Appendices A and B, there is full confidence that the property should

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<sup>2</sup> Noting that the proposed development is not impacted by the Article 4 Direction confirmed on 20<sup>th</sup> September 2013 which removes permitted development rights for rear extensions in excess of 4m.

enjoy the full range of Permitted Development Rights, including Classes A and B, subject to appropriate assessment of those conditions and limitations imposed.

## **6. Step 3: Assessment of Limitations and Conditions**

- 6.1 The proposed two-storey rear extension would be implemented pursuant to Class A of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is subject to the conditions and limitations set out at Sections A.1 to A.3 of the statute, noting that Section A.4 does not apply (on the basis no part of the extension exceeds the limits of Paragraph A.1(f)). These limitations and conditions are assessed in detail at Appendix A and are found to be wholly satisfied.
- 6.2 Similarly, the proposed roof additions (i.e., creating a dormer extension) would be implemented pursuant to Class B of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is subject to the limitations and conditions set out at Sections B.1 to B.4 of the statute, noting that Sections B.3 and B.4 provide only interpretative clarification in respect of earlier Sections. Appendix B also confirms that all relevant conditions and limitations are wholly satisfied.

## **7. Summary Conclusions**

- 7.1 The proposed two-storey rear extension and roof additions are permitted development, falling wholly within the scope of Permitted Development Rights, which are demonstrated to be fully intact and relevant to the proposed building operations. All relevant limitations and conditions are observed and satisfied respectively. This allows a Lawful Development Certificate to be issued confirming the lawfulness of the works shown on the submitted drawings.

**Class A: Enlargement, Improvement or Alteration****A.1** Development is not permitted by Class A if:

Ref	Development Not Permitted	Compliance
(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 3 of this Schedule (change of use);	The property did not become a dwellinghouse through a change of use.
(b)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	The area covered by buildings will remain below 50% of the curtilage of the property.
(c)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;	The height of the extended part of the house will be the same as that of the existing dwellinghouse.
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	The height of the eaves of the extended part will not exceed those of the existing dwellinghouse.
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse;	The proposed extension is at the rear of the property (i.e., the reverse side of the principal elevation) and does not front a highway.
(f)	the enlarged part of the dwellinghouse would have a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	The proposed rear extension comprises two storeys, but does not extend beyond the rear wall of the original dwellinghouse by more than 4m, or exceed 4m in height.

(g)	<p>for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –</p> <ul style="list-style-type: none"> <li>(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or</li> <li>(ii) exceed 4 metres in height;</li> </ul>	<p>As the extension is compliant with section (f) no reliance is placed on the first part of criteria (g), whilst the extension does not exceed 4m in height.</p>
(h)	<p>the enlarged part of the dwellinghouse would have more than a single storey and—</p> <ul style="list-style-type: none"> <li>(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or</li> <li>(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;</li> </ul>	<p>The rear extension would be comprised of two storeys and not extend beyond the rear wall by more than 3 metres, whilst it would not fall within 7 metres of the rear boundary.</p>
(i)	<p>the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;</p>	<p>Whilst the enlarged part of the dwellinghouse would fall within 2 metres of the boundary, all eaves are below 3 metres.</p>
(j)	<p>the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—</p> <ul style="list-style-type: none"> <li>(i) exceed 4 metres in height,</li> <li>(ii) have more than a single storey, or</li> <li>(iii) have a width greater than half the width of the original dwellinghouse; or</li> </ul>	<p>There are no proposed side extensions.</p>
(ja)	<p>any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);</p>	<p>The total enlargement remains below limits set out in paragraphs (e) to (j).</p>
(k)	<p>it would consist of or include—</p> <ul style="list-style-type: none"> <li>(i) the construction or provision of a verandah, balcony or raised platform,</li> </ul>	<p>No components described at (i) to (iv) are to be included in the extended parts of the property.</p>

	<p>(ii) the installation, alteration or replacement of a microwave antenna,</p> <p>(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or</p> <p>(iv) an alteration to any part of the roof of the dwellinghouse.</p>	
(I)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	The dwellinghouse was not built under Part 20 of the Schedule.

**A.3 Development is permitted by Class A subject to the following conditions-**

<b>Ref</b>	<b>Development is Permitted</b>	<b>Compliance</b>
(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	The materials to be used for exterior walls and roof will, as far as practicable, match those of the existing dwellinghouse.
(b)	any upper-floor window located in 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; and	The upper-floor windows in the side elevation adjacent to 80 Tolcarne Drive are to be obscure glazed and non-opening when lower than 1.7m.
(c)	where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	The roof pitch will, as far as practicable, match that of the existing dwellinghouse.

## APPENDIX B

### Class B: Additions etc to the roof

**B.1** Development is not permitted by Class B if:

Ref	Development Not Permitted	Compliance
(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 3 of this Schedule (change of use);	The property did not become a dwellinghouse through a change of use.
(b)	any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	No part of the dwellinghouse would exceed the peak height of the existing roof.
(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;	No part of the dwellinghouse would extend beyond the existing roof slope forming the principal elevation fronting a highway.
(d)	the cubic content of the resulting roof space <sup>3</sup> 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;	The resulting roof space would remain under the limit of 50 additional cubic metres above that of the original roof space.
(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; or	Whilst the alterations would result in the demolition of the existing chimneys, no other features mentioned in (e) are relevant.
(f)	the dwellinghouse is on article 2(3) land.	The dwellinghouse is not located on article 2(3) land.
(g)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or	The dwellinghouse was not built under Part 20 of the Schedule.
(h)	the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA	Class AA rights have not been used to enlarge the existing dwellinghouse.

<sup>3</sup> Noting that the roof space created by this extension and that assessed above pursuant to Class A would not, when combined, exceed 50sqm.

	(enlargement of a dwellinghouse by construction of additional storeys).	
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**B.2** Development is permitted by Class B subject to the following conditions-

Ref	Development is Permitted	Compliance
(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 materials to be used for exterior walls and roof will, as far as practicable, match those of the existing dwellinghouse.
(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; and	The enlargement of the roof ensures that the original roof eaves are retained, whilst also falling more than 0.2m from them. Furthermore, no part of the roof enlargement lies beyond the outside face of any external walls.
(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	Additional side-facing windows, such as those added to the new dormer will be obscure-glazed, with fixed lower panels on all parts lower than 1.7m.