

LDC (Existing) Report	Application number	2023/0914/P
Officer	Expiry date	
Backlog determination (RL)	28/04/2023	
Application Address	Authorised Officer Signature	
51 Raglan Street London NW5 3BU		
Conservation Area	Article 4	
None	None relevant	
Proposal		
Renewing the existing paving and alterations to boundary treatments at the front of the property.		
Recommendation:	Grant certificate	

The certificate is made for renewing the existing paving and boundary treatments at the front of the property on the basis the works are permitted development.

Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants permission for development that complies with the classes in Schedule 2 to the Order.

ASSESSMENT

Hardstanding:

Schedule 2- PART 1 Development within the curtilage of a dwellinghouse

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Permitted development

F. Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

Development not permitted

F.1 Development is not permitted by Class F if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); or

Complies: original dwellinghouse as shown on council planning and council tax records

(b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Complies: original dwellinghouse as shown on council planning and council tax records

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and*
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.*

Complies: The area at the front of the property is a small defensible space enclosed within an existing boundary enclosure. It is already hard paved (as confirmed on a site visit) and shown on the existing plan as quarry tiles. The area being repaved measures 5.3sqm. The 0.3sqm exceeding the 5sqm is considered de minimis, especially considering it is repaving an existing paved area. In any event, it has an aco drain to the side and is to be enclosed with a low brick wall which means run-off will direct away from the public highway and into permeable ground over the aco drain channel.

Enclosures:

Schedule 2 - PART 2 Minor operations

Class A – gates, fences, walls etc

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—*
 - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*

- N/A: not a school.

- (ii) in any other case, 1 metre above ground level;*

- complies: it is 1m in height

- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;*

- N/A: adjacent to highway so (a)(ii) applies instead.

- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or*

- complies: 1m in height and same as existing height

- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.*

- Complies: not a listed building

Conclusion

The existing enclosure is 1m high and the proposed enclosure, adjacent to a highway, is also shown as 1m high on the proposed drawings. As such the alterations to the boundary enclosure are permitted under Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The area of replacement hard paving measures 5.3sqm. The 0.3sqm exceeding the 5sqm limit is considered de minimis, especially considering it is repaving an existing paved area. In any event, run-off will direct away from the public highway and into permeable Aco drain channel. As such the repaving is permitted under Part 1, Class F of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation: Grant Certificate

Site location plan; 225/P1; 225/P2; 225/P3; Application form signed 28/02/2023.