

LDC (Proposed) Report		Application number	2023/0311/P
Officer		Expiry date	
Fast Track GG		20/03/2023	
Application Address		Authorised Officer Signature	
59 Dartmouth Park Road London NW5 1SL			
Conservation Area		Article 4	
Dartmouth Park		Basements	
Proposal			
Replacement of existing studio with a new home office and gym in the rear garden.			
Recommendation:		Grant Lawful Development Certificate	

1. Site Description:

- 1.1** The site consists of a three-storey semi-detached with basement brick-built house which sits on Dartmouth Park Road.
- 1.2** The site is in Dartmouth Park Conservation Area. The proposal relates to the replacement of an existing outbuilding in the rear garden of the property, and is currently used as a garden studio, in association with the main dwelling.
- 1.3** The proposals are assessed under Class E (development within the curtilage of a dwellinghouse), Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse) Class E		
The provision within the curtilage of the dwellinghouse of—		
(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or		
(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas		
If yes to any of the questions below, the proposal is not permitted development		Yes/no
E.1 (a)	Is permission granted to use the dwellinghouse as a dwellinghouse only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?	No
E.1 (b)	As a result of the works, will the total area of ground covered by	No

	buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	
E.1 (c)	Would any part of the building, enclosure, pool or container be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?	No
E.1 (d)	Would the building have more than a single storey?	No
E.1 (e)	Would the height of the building, enclosure or container exceed— (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case?	No
E.1 (f)	Would the height of the eaves of the building exceed 2.5 metres?	No
E.1 (g)	Would the building, enclosure, pool or container be situated within the curtilage of a listed building?	No
E.1 (h)	Would it include the construction or provision of a verandah, balcony or raised platform?	No
E.1 (i)	Would it relate to a dwelling or a microwave antenna?	No
E.1 (j)	Would the capacity of the container exceed 3,500 litres?	N/A
E.2	In the case where any land is within the curtilage of the dwellinghouse which is within— (a) an area of outstanding natural beauty; (b) the Broads; (c) a National Park; or (d) a World Heritage Site Would the total area of ground covered by buildings, enclosures, pools and containers be situated more than 20 metres from any wall of the dwellinghouse exceed 10 square metres?	N/A

Is the property in a conservation area? Yes. If YES to the question below then the proposal is not permitted development:

The property is located in a conservation area.

E.3	Would any part of the building, enclosure, pool or container be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?	No
E.4	Interpretation of Class E	
	For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse	

2. Consultation:

2.1 There is no statutory requirement to consult on lawful development certificate applications. Nevertheless, residents or local groups can comment or object to this type of application.

No comments or objections have been received during the course of the application.

3. Assessment:

3.1 The proposal is for the replacement of the existing studio with a new single storey pitched roof home office and gym in the rear garden. It is considered that such works can be assessed against Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

3.2 Class E states that the following would be permitted development: 'The provision within the curtilage of the dwellinghouse of—

(c) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas'

3.3 The proposed changes include the replacement of the existing studio with a new single storey pitched roof home office and gym and associated toilet facilities in the rear garden. The home office and gym would measure 10.3m wide, 4.1m deep and 3.9m high. It would be sited 2m from the side boundaries with Nos. 57 and 61 Dartmouth Park Road and 2.9m from the side boundaries with Nos. 79 and 81 Chetwynd Road.

3.4 The outbuilding is currently used as a garden studio. It is proposed that the use of the outbuilding would remain a home office with home gym and associated toilet facilities, incidental to the enjoyment of the main residential use. The office would be used by the occupiers of the main residential property in the curtilage of which the existing outbuilding sits. Based on the information provided there is no indication that the structure would be used as a separate dwelling. In the event of the outbuilding would be used as a separate dwelling, then planning permission would be required. As it stands, the current proposal would relate to a use which is generally accepted as incidental to the enjoyment of the main residential use which is in accordance with the limitations and conditions of permitted development. An informative will be placed on any decision to advise that the use of the outbuilding shall remain incidental to the residential use.

3.5 The proposal is considered to satisfy all relevant criteria as set out under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and as such, would be permitted development and lawful.

Recommendation: Grant Certificate of Lawful Development