

LDC (Proposed) Report		Application number	2023/1417/P
Officer		Expiry date	
Fast Track Team – Geri Gohin		30/05/2023	
Application Address		Authorised Officer Signature	
32 Hartland Road London NW1 8DD			
Conservation Area		Article 4	
N/A		Basements	
Proposal			
Erection of ground floor extensions at side and rear of house and an outbuilding in rear garden.			
Recommendation:		Grant lawful development certificate.	

The application site is a three-storey end-terrace property located on the southern side of Hartland Road. The property is not listed or located in a Conservation Area, nor does the site border a Conservation Area.

The proposal is for the erection of a replacement part width rear extension approx. 2.7m high and 2.8m deep with a flat roof over existing rear wing, a side extension approx. 4m high and 2.660m wide, plus an outbuilding 2.5m high at the end of the rear garden.

Responses

Given the nature of certificate of lawfulness applications, and in particular that purely matters of legal fact are involved in their determination, the Council does not have a statutory duty to engage in a formal consultation process.

Notwithstanding this, it is Council practice to allow a short period of time for our local residents and amenity groups to comment should they choose to do so. As such, the details of the application were made available online.

During this period an objection was received from a neighbour. Objections were of the following grounds:

- 1) The heights on the proposed plans are incorrect and need clarification. The proposed 3 metre height of the side elevation adjacent to the garden wall of No 30 on the plans would in reality be much higher on the side of No.30. I suspect the ground level has been measured incorrectly.
- 2) The current rear extension of No.32 looks like it will be almost completely demolished to make way for a new extension and will be tantamount to a new build.

Case officer's commentary on grounds of objection:

- 1) *The heights have been checked on the plans and during a site visit. Officers are satisfied that the heights are correct. In accordance with the [Permitted development rights for householders Technical Guidance](#) height should be measured from the surface of the ground immediately adjacent to the building in question, and where ground level is not uniform it should be taken from the highest part of the surface of the ground next to the building. The height from ground level at the neighbouring property can't be taken into consideration.*
- 2) *The original rear extension will be altered as a result of the current proposals, however, it is not being completely demolished. Sufficient elements would remain for these alterations to be considered as permitted development.*

Side and rear extensions

Class A The enlargement, improvement or other alteration of a dwellinghouse		
If yes to any of the questions below the proposal is not permitted development		Yes/no
A.1 (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 (changes of use)	No
Comments:		
A.1 (b)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
A.1 (c)	Will the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse?	No
A.1 (d)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse?	No
A.1 (e)	Will the enlarged part of the dwellinghouse 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?	No
A.1 (f) (subject to A.1 (g))	Will the enlarged part of the dwellinghouse 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?	(i) No (ii) No
A.1 (g)	For a dwellinghouse not on article 2(3) land* nor on a site of special scientific interest, will the enlarged part of the dwellinghouse have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached	N/A

	dwellinghouse, or 6 metres in the case of any other dwellinghouse; or (ii) exceed 4 metres in height?	
A.1 (h)	Will the enlarged part of the dwellinghouse have more than a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall the dwellinghouse?	No
A.1 (i)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	No
A.1 (j)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse?	(i) No (ii) No (iii) No
A.1(ja)	Will any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in A.1(e) to A.1(j)?	No
A.1(k)	Would it consist of or include either: (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No
Is the property in a conservation area (article 2(3) land)? If yes to any of the questions below then the proposal is not permitted development No		
A.2(a)	Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?	N/A
A.2(b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	N/A
A.2(c)	Would the enlarged part of the dwellinghouse have more than a single storey and extend beyond the rear wall of the original dwellinghouse?	N/A
A.2(d)	Would any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in sub-paragraphs A.2(b) and A.2(c)?	N/A
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Yes

A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse 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?	N/A
A.3(c)	Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/A

* The land referred to as article 2(3) land is the land described in Part 1 of Schedule 1 to Town and Country Planning (General Permitted Development) (England) Order 2015/596 (National Parks, areas of outstanding natural beauty and conservation areas etc).

Outbuilding

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 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)?	No
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?	No
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	N/A

	(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?	
Is the property in a conservation area? No. If YES to the question below then the proposal is not permitted development: The property is not 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?	N/A
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	

Rear and Side extensions:

The proposed measurements of the rear extension are 2.8m in depth, 2.5m in width and 2.7m in height. The side extension will measure 6.3m in depth, 2.660m in width and 4m in height.

Outbuilding:

The outbuilding will measure 4.8m in depth, 2.4m in width and 2.5m in height.

The previous Certificate (2023/0424/P) was refused on 21st March 2023 as:

- 1) The enlarged part of the dwellinghouse was greater than half the width of the existing dwellinghouse.
- 2) The materials proposed to be used in the exterior work for the enlarged part of the dwellinghouse would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

It has been established that the enlarged part of the dwellinghouse is now smaller than half the width of the existing dwellinghouse. The width of the existing dwellinghouse is 5.326m. Half the width would be 2.663m and the proposed width at 2.660m is less than half.

Furthermore, the proposed rear extension is now proposed to be made of rendered brick with aluminium fenestration and the side extension will also be rendered. Aluminium is already present as part of the roof of the existing extension as well as part of the roof at the rear of the house.

Assessment: The proposal is considered to satisfy all criteria as set out under Schedule 2, Part 1, Class A and 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.

An informative will be added to the effect that the outbuilding should only be used for a purpose incidental to the enjoyment of the dwellinghouse.

Recommendation: Grant Certificate of Lawful Development