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CHARTERED TOWN PLANNERS

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Planning Department
London Borough of Camden
5 Pancras Square
London
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Our ref: 2543

17 July 2023

Dear Sirs

**Application to determine if prior approval is required for a larger home extension
27 Sherriff Road, London, NW6 2AS**

This statement is written in support of the application for a certificate of lawfulness submitted to the London Borough of Camden for 27 Sherriff Road, London, NW6 2AS (The site).

The application seeks confirmation that the erection of two rear extensions which are considered to be lawful under the allowances of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO')

The premises is currently in use as a C3 dwellinghouse following the grant of a certificate of lawfulness February 2023 (ref: 2022/4261/P).

The site is in the northern side of Sherriff Road. To the rear of the property is the London Underground and opposite is Hilltop Road. The surrounding area is dominated by residential development.

The proposals

The proposed development includes the part demolition of an existing rear outrigger and the erection of one rear extension which measures 3.6m in width and would extend 4.1m from the rear elevation, but



0.3m from the rear wall of the demolished original outrigger. The second extension will measure 6.0m in depth and 4.7m in width from the original rear elevation. It is important to note that since each part extends beyond an original side elevation and as such each part cannot be more than half the width of the original dwellinghouse which measures 9.6m, and therefore half the width of the dwellinghouse is 4.8m.

Permitted Development

Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') makes provision for the erection of a larger single storey rear extension to be carried out under prior approval allowances. It then also sets out the associated conditions when permitted development rights would not apply:

Development not permitted

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

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

(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;

(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;

(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;

(f) subject to paragraph (g), 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;

(g) until 30th May 2019, 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—

(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

(ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would 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 of the dwellinghouse;

(i) 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;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

(k) it would consist of or include—

(i) the construction or provision of a verandah, 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

Conditions

(iv) an alteration to any part of the roof of the dwellinghouse.



The site was granted consent to change the use of the property from C4 to C3 via Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore is compliant with the requirements of A.1(a).

The applicant has supplied evidence proving that the existing tenants have been served notice from the applicant to leave the property and it is considered that the property is no longer in active use as a small HMO.

We have been told that physical works have been carried out by the applicant in line with the approval. The judgment in *Impey v Secretary of State for the Environment* (1984) 47 P. & C. R. 157 suggested that a change of use to residential use can take place before the premises are used in the ordinary and accepted sense of the word (for example, where operations have been undertaken to convert premises for residential use and they are then put on the market as being available for letting. It is considered that the site is ready to be used as a C3 dwellinghouses imminently, in line with the requirements of the Certificate of Lawfulness.

The rear garden measures circa 184m² in area and the proposed extension measures circa 38.23m² in total area. This means that this would take 20.1% of the rear amenity space and fall below the 50% maximum. It is therefore compliant with the requirement set out in A.1.(b).

The maximum height of the proposed roof would be 3.2m. and therefore not extend beyond the existing ridge line or eaves line of the existing dwelling. Furthermore, the proposals will not extend beyond a wall which forms principle elevation of the dwellinghouse or one which fronts a highway. This means the proposals comply with A.1.(C), A.1.D and A.1.E.

In terms of A.1.(f), this does not apply as both proposed extensions would require prior approval under the allowances of A.1.(g). As mentioned in the proposed development section of this letter, there are two extensions which are being considered. One rear extension which measures 3.6m in width and would extend 4.1m from the rear elevation, but 0.3m from the rear wall of the demolished original outrigger. The second extension will measure 6.0m in depth and 4.7m in width from the original rear elevation. It is therefore considered that since the property is 9.6m in width that each part, would measure less than half the width of the original dwelling house and not exceed 6m in depth or 4m in height that the proposals would meet the requirements of A.1.(g) and A.1.(j).



The proposals will not involve any alterations to a chimney and the site is not located within Article 2(3) Land. It is therefore considered to comply with the requirements set out in A.1.(k).

Based on the assessment above it is, therefore, considered to comply with the relevant legislation as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusions

Therefore, based on the compliance with the conditions of the GPDO, it is considered that it has been clearly demonstrated that the proposed erection of a rear single storey extensions are lawful, in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

We welcome the Council's consideration of this information and trust that all the enclosed allows you to successfully register and progress the application positively. Accordingly, we respectfully request that this application for a proposed lawful development certificate is approved, in line with the statutory timescales.

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