

Planning Department
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Our ref: 2543

08 September 2023

Dear Sirs

**Application for Certificate of Lawfulness
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 a dormer extension to the roof is considered to be lawful under the allowances of Schedule 2, Part 2, Class B 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.

Permitted Development

Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') makes provision for the erection of an addition to the roof of a



dwellinghouse to be carried out under permitted development allowances. It then also sets out the associated conditions when permitted development rights would not apply:

Development not permitted

B.1 Development is not permitted by Class B 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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part 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;

(d) the cubic content of the resulting roof space 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;

(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

(f) the dwellinghouse is on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(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;



(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

(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.

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 B.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 proposed dormer extension would not exceed the ridge height of the existing building. No part of the proposed development would extend beyond the plane of an existing roof slope which forms a principal elevation and therefore comply with the requirements set out in B.1(c).

The property is semi-detached and the proposed roof extension would measure 16.5m³ and therefore comply with the volumetric requirements set out in B.1(d).

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 n B.1.(e) and B.1.(f).

Based on the assessment above it is, therefore, considered to comply with the relevant legislation as set out in Schedule 2, Part 2, Class B 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 roof dormer extension, is lawful, in accordance with section 192 of the Town and Country Planning Act 1990 and Schedule 2, Part 2, Class B 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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