

Application ref: 2023/3104/P
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Date: 16 October 2023

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Evan Ferguson, Architect
Old Manor Farm
Helperthorpe
Malton
North Yorkshire
YO17 8TQ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Existing) Granted

The Council hereby certifies that on the 02 October 2023 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Commencement of works in accordance with condition 1 (within three years from date of planning permission 2014/5939/P dated 18/09/2017), as extended under Section 93A of the Town and Country Planning Act 1990, for the excavation of a single storey basement extension including front and rear lightwells and erection of single storey ground floor rear extension.

Drawing Nos: Site location and block plans - 1308.10.A; Accompanying statement from Evan Ferguson, Architect received 30/09/2023; Photographs showing work carried out on site (dated from 29/04/2021); Movement monitoring letter from Laser Surveys (ref. L3287/21) dated 19/07/2021; Additional Arboricultural Method Statement from Spacewise Design & Build Ltd. dated 20/09/2023; Project engineers letter from DDA Engineers (ref. 2035) - undated; Initial Building Notice, cover letter and invoice from London Building Control (ref. 21/70566/MYFFBFXFA/JH) dated 27/04/2021; Letter and revised Initial Building Notice (London Building Control ref. 2170566MYFFBFXFAJH) dated 24/05/2021; Email from Owner Flat 3 dated 27/04/2021; Email from Evan Ferguson, Architect dated 12/10/2023; Existing & approved drawings (ref. 2014/5939/P) - 1308.14.A to 1308.21.A (inclusive); Officer delegated report & approval notice (ref. 2014/5939/P) dated 18/09/2017; Arboricultural Impact Assessment report from Landmark Trees (ref. YGM/41HWT/AIA/01) dated 24/04/2014.

Second Schedule:

**Flat 1
41 Howitt Road
London
NW3 4LU**

Reason for the Decision:

- 1 The evidence submitted confirms that, on the balance of probability, the works commenced in accordance with condition 1 (within three years from date of planning permission 2014/5939/P dated 18/09/2017), as extended under Section 93A of the Town and Country Planning Act 1990, for the excavation of a single storey basement extension including front and rear lightwells and erection of single storey ground floor rear extension.

Informative(s):

- 1 You are advised that conditions 4 and 6 relating to planning permission (2014/5939/P granted 18/09/2017) are outstanding and require details to be formally submitted and approved in writing.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.