

# THE JTS PARTNERSHIP

Chartered Surveyors • Chartered Town Planners

Leeds Office: 2 Infirmary Street, Leeds, LS1 2JP Tel: (0113) 244 4288  
Kent Office: 44 St Peter's Street, Canterbury, Kent CT1 2BG Tel: (01227) 456633

Number One, The Drive  
Great Warley, Brentwood  
Essex CM13 3DJ

Tel: (01277) 224664

Fax: (01277) 215487

Website: <http://www.jtspartnership.co.uk>

e-mail: [alicia.lai@jtspartnership.co.uk](mailto:alicia.lai@jtspartnership.co.uk)

Our Ref: ND/AL/9473

1<sup>st</sup> November 2023

London Borough of Camden Council  
Development Control  
Camden Town Hall  
Argyle Street Entrance  
Euston Road  
London, WC1H 8ND

Dear Sir or Madam

## **Planning Portal Reference: PP-12465444**

### **Application for Lawful Development Certificate for a Proposed Use or Development 89 Swains Lane, Highgate, N6 6PJ**

We are pleased to enclose an application that seeks a Lawful Development Certificate (LDC), confirming that works proposed at 89 Swains Lane, in Highgate, are granted planning permission by the General Permitted Development Order. The application includes the following documents and drawings: -

- This Covering Letter, dated 1<sup>st</sup> November 2023.
- Completed Application Form & Certificate.
- Drawing No. 9473-100-00 Site Location Plan.
- Drawing No. 9473-101-00 Proposed Block Plan.
- Drawing No. 9473-200-00 Existing Ground Floor Plan.
- Drawing No. 9473-201-00 Existing Elevations.
- Drawing No. 9473-202-00 Proposed Ground Floor Plan.
- Drawing No. 9473-203-00 Proposed Elevations.

## **THE SITE AND SURROUNDING AREA**

89 Swains Lane is a three-storey, flat roof, residential property that is part of a row of three terraced, buildings, located mid-way along Swains Lane, adjacent to Highgate Cemetery. The terrace stands out from the prevailing character of the area due to its modern design and appearance.

No. 89 fronts directly onto the west side of Swains Lane, with the original brick front elevation having been clad in vertical charred timber fins. The main entrance and integrated garage are set under the overhanging first floor. (see Figures 1, 2 & 3).

The property is located within the Highgate Village Conservation Area, Highgate Cemetery (West) Open Space and within designated Metropolitan Open Land.

Regulated by RICS

Trading as a Limited Liability Partnership. Registered Office: Number One, The Drive, Great Warley, Brentwood, Essex CM13 3DJ  
Registered in England & Wales. Registration No. OC307263

**Partners:** N J Davey MRICS J W Green MRICS

**Associates:** J P Govier MRICS Rachael Dickson MRTPI Lonely Mulenga MRICS

**Consultants:** G D Frall DipBldgCons FRICS N J Pryor MRICS **Office Manager:** Lynda Sherwin MInstLM



Figure 1: Front Elevation of 89 Swains Lane

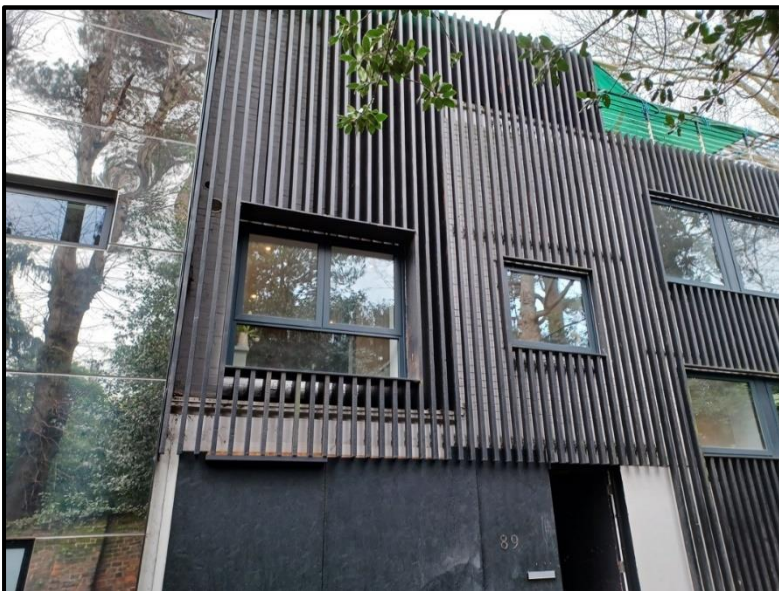


Figure 2: Front Elevation of 89 Swains Lane



Figure 3: Front Elevation of 89 Swains Lane

## Planning History

The site's planning history, as it is available on the Council's website, is set out in the table below:

Application ref.	Proposal	Decision	Decision date
2015/6541/P	Sample panel of the cladding required by condition 2 of planning permission 2015/4105/P dated 07/09/2015 (for the cladding of front elevation with charred timber fins and blocking up of 2 <sup>nd</sup> floor window on east elevation).	Granted	14 <sup>th</sup> December 2015
2015/4105/P	Cladding of front elevation with charred timber fins and blocking up of 2 <sup>nd</sup> floor window on east elevation.	Granted	7 <sup>th</sup> September 2015

## THE PROPOSAL

The owner proposes to reconfigure the ground floor layout, convert the garage into ancillary accommodation and infill the space under the overhang. A new wall, in bricks to match the original building, will be constructed on the same line as the principal elevation. It will include two roller shutter doors, to give the appearance of garage doors. The left-hand shutter opens to provide access to a bin store (which can also be entered internally), with the right-hand shutter being fixed. A new entrance door, with glazed side panel, will be set back under the building.

The changes are detailed in drawings 9473-202-00 Proposed Ground Floor Plan and 9473-203-00 Proposed Elevations (Figures 4 to 7).

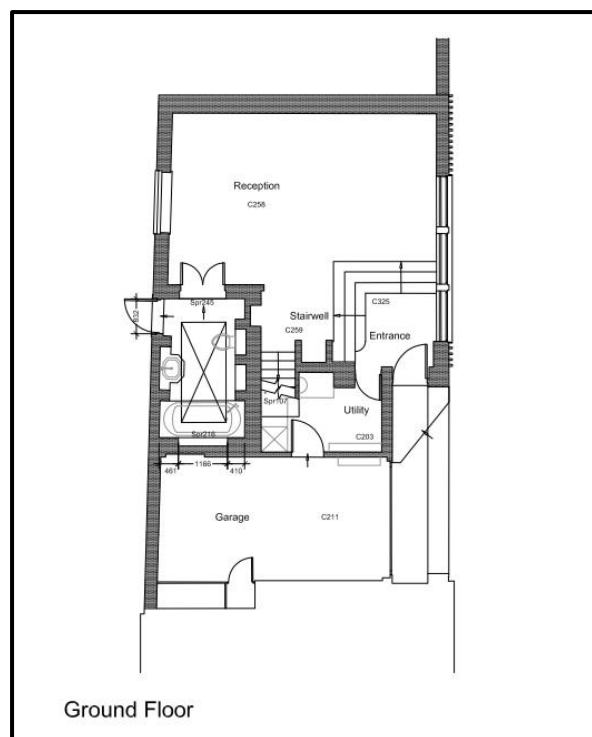


Figure 4: Existing Ground Floor Plan

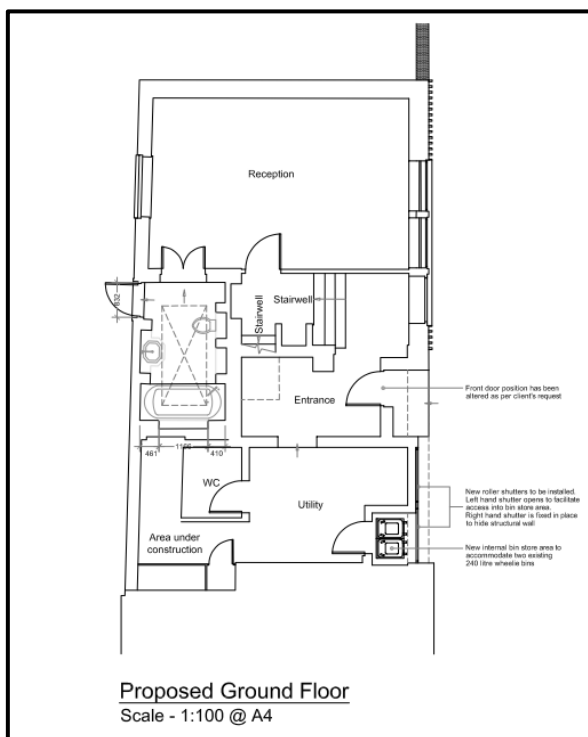


Figure 5: Proposed Ground Floor Plan

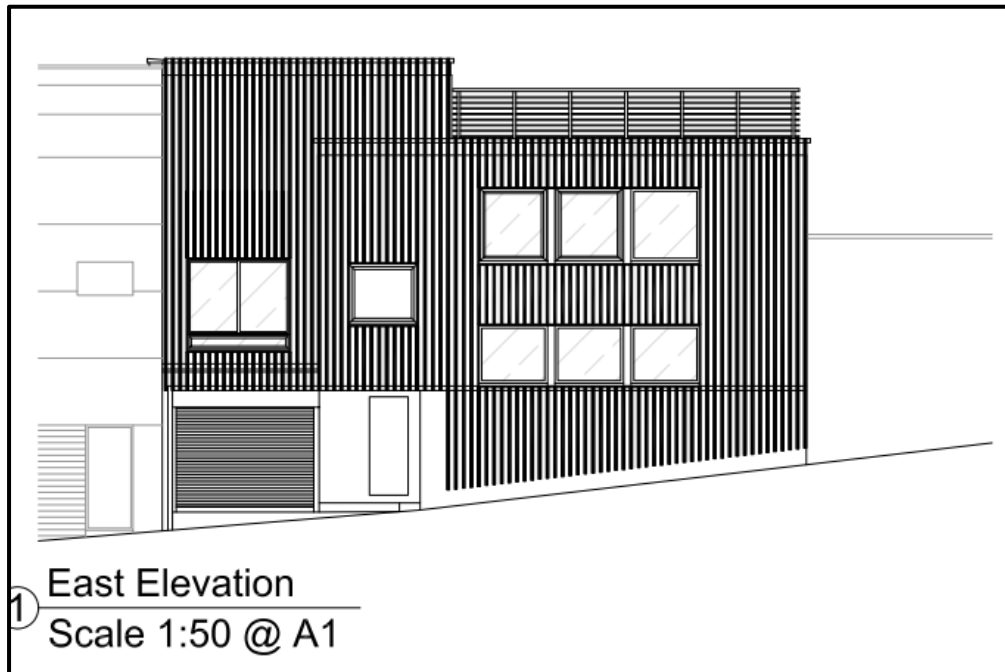


Figure 6: Existing Front Elevation



Figure 7: Proposed Front Elevation

The owner seeks a Certificate of Lawfulness to confirm that the changes benefit from planning permission as granted by Regulation 3, Schedule 2, Part 1, Class A of the General Permitted Development Order.

## PLANNING ASSESSMENT

Regulation 3 of The Town and Country Planning (General Permitted Development) (England) (Order 2015) Schedule 2, Part 1, Class A grants planning permission for:

*The enlargement, improvement or other alteration of a dwellinghouse.*



Development is not permitted if it fails to meet a number of criteria and is granted subject to a number of conditions. The table below, sets out an assessment of the proposal against the limitations and conditions of Class A.

Paragraph	Development is not permitted by Class A if:	Comments	Proposal satisfies limitations
A.1 (a)	<i>permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, NA, N, P, PA or Q of Part 3 of this Schedule (changes of use).</i>	N/A	YES
A.1 (b)	<i>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).</i>	There will only be a 2.58 sqm increase in the ground floor of the building, but as it is under the first floor overhang, there is no increase in the total area of ground covered by buildings.	YES
A.1 (c)	<i>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.</i>	The proposal will not exceed the height of the highest part of the roof of the existing dwellinghouse.	YES
A.1 (d)	<i>the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.</i>	The proposal will not exceed the height of the eaves of the existing dwellinghouse.	YES
A.1 (e)	<i>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.</i>	None of the works extend the principal elevation of the original dwellinghouse.	YES
A.1 (f)	<i>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.</i>	None of the works extend beyond the rear wall of the original dwellinghouse.	YES
A.1 (g)	<i>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>	The dwellinghouse is on article 2(3) land.	YES

	<p>(i) <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</i></p> <p>(ii) <i>exceed 4 metres in height.</i></p>		
A.1 (h)	<p><i>the enlarged part of the dwellinghouse would have more than a single storey and –</i></p> <p>(i) <i>extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or</i></p> <p>(ii) <i>be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged.</i></p>	The proposal is single storey.	YES
A.1 (i)	<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.</i>	The proposal involves enlarging part of the ground floor to the principal building line. However, as it involves an extension under a first floor overhang, no eaves are created.	YES
A.1 (j)	<p><i>the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –</i></p> <p>(i) <i>exceed 4 metres in height,</i></p> <p>(ii) <i>have more than a single storey, or</i></p> <p>(iii) <i>have a width greater than half the width of the original dwellinghouse.</i></p>	The proposal does not extend beyond a wall forming a side elevation of the original dwellinghouse	YES
A.1 (k)	<p><i>It would consist of or include –</i></p> <p>(i) <i>the construction or provision of a veranda, balcony or raised platform,</i></p> <p>(ii) <i>the installation, alteration or replacement of a microwave antenna,</i></p> <p>(iii) <i>the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or</i></p> <p>(iv) <i>an alteration to any part of the roof of the dwellinghouse.</i></p>	N/A	YES
A.1 (l)	<i>the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).</i>	N/A	YES

Section A.2 concerns sites that lie on article 2(3) land. The property lies within a Conservation Area), so the following additional limitations apply:

Paragraph	Development is not permitted by Class A if:	Comments	Proposal satisfies limitations
A.2 (a)	<i>It would 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.</i>	The proposal does not involve the cladding of any part of the existing exterior of the building. The new external wall will be constructed/faced in brick to match that original dwelling.	YES
A.2 (b)	<i>the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse.</i>	The proposal does not comprise a side extension.	YES
A.2 (c)	<i>the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.</i>	The proposal is single storey.	YES
A.2 (d)	<i>any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined), exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).</i>	These limits are not exceeded.	YES

Permission is granted subject to the following conditions.

Paragraph	Permission is granted subject to the following conditions:	Comments	Proposal satisfied limitations
Conditions A.3 (a)	<i>the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.</i>	The new external wall will be faced in brick, to match existing,	YES
Conditions A.3 (b)	<i>any upper-floor window located in 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.</i>	N/A	YES
Conditions A.3 (c)	<i>where the enlarged part of the dwellinghouse has more than single storey, or forms an upper storey on</i>	N/A	YES

	<i>an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.</i>		
--	---	--	--

## SUMMARY

The above assessment demonstrates that the proposal meets all the relevant criteria and limitations and thus benefits from planning permission as granted by Regulation 3 of The Town and Country Planning (General Permitted Development) (England) (Order 2015) Schedule 2, Part 1, Class A.

We, therefore, respectfully ask that the proposed Certificate of Lawfulness is granted at the earliest opportunity.

## Statutory Application Fee

We have calculated the statutory application fee for the application to be £103.00 plus £64.00 of service charge (including VAT). The total fee of £167.00 has been paid via the Planning Portal.

If any further information is required with respect to any aspect of this submission, please contact Mr N Davey or Miss A Lai at our Brentwood office.

Yours faithfully,

**Alicia Lai**  
**For THE JTS PARTNERSHIP LLP**