

2 November 2023

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

Planning – Development Control
Camden Council
Camden Town Hall
London
WC1H 8ND

Ben Thomas
E: bthomas@savills.com
DL: +44 (0) 20 3320 8262
F: +44 (0) 20 7016 3769

33 Margaret Street
London W1G 0JD
T: +44 (0) 20 7499 8644
savills.com

Dear Sir or Madam,

**Flats 1-22, 1 Winchester Mews, Swiss Cottage, London, NW3 3NH
Certificate of Lawfulness of Proposed Use or Development**

On behalf of our client Barratt Developments plc (“Barratt”) we enclose an application for a Certificate of Lawfulness (Proposed Use or Development) submitted under Section 192 of the Town and Country Planning Act 1990. This application concerns Flats 1-22, 1 Winchester Mews, Swiss Cottage, London, NW3 3NH

Proposed Works

Following the Grenfell Tower disaster, Barratt have undertaken a detailed review of all of their built schemes. This process has identified a number of buildings which are in part constructed with potentially combustible cladding material, including the aforementioned buildings. Barratt have committed to replacing the potentially combustible materials with an appropriate alternative non-combustible materials.

Barratt have reviewed the external cladding materials used in the construction of 1 Winchester Mews and have identified areas which may require remediation to ensure compliance with the latest building fire safety regulations.

The proposed works for this project can be summarised as follows:

1. Remove all existing Timber balustrades fascias & replace with Non-Combustible Aluminium Balustrades system to European fire class A2-FL-S1 & A2L-S1-D0 Fire rating in accordance to EN13501-1 with colour to match existing.
2. Remove existing timber cladding on balcony dividing walls where indicated and replace with JamesHardie `Hardie VL Plank non -combustible weatherboard to European fire class A2-s1, d0 fire rating, with cedar finish colour to match existing.
3. Remove all existing ACM Panels and ACM capping on balcony dividing walls & replace with Non-Combustible Aluminium Alucobond panels to fire class Class A2-s1, d0. in accordance to EN 13501-1 to match existing colour.
4. Remove all existing timber decking on balconies & replace with Ryno Terrasart Class A2 Rating decking panel. Colour and finish to match existing.

Generally , the visual appearance of all new non-combustible decking and non-combustible cladding, panels, balustrades & materials with either be identical, or very closely match those on the existing.

Legislative Background

Section 192 of the 1990 Act provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, under or over land, would be lawful, he may make an application for the purpose to the

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local planning authority specifying the land and describing the operations in question. If the council are satisfied the operations are lawful, they should issue a Certificate to that effect.

Therefore, this application for a Certificate of Lawfulness seeks the council's agreement that the works shown in this application (proposed operations) would not constitute 'development' under Section 55 of the 1990 Act, because they are *works of maintenance, improvement or other alteration of a building which do not materially affect the external appearance of the building*. As such the proposed works would be lawful and not require planning permission.

Submitted Information

The application has been submitted via the Planning Portal and the relevant application fee will be paid electronically. The following information describes the proposed operations to the building and is being submitted for approval:

- 23120_SC_001 - Site Location Plan
- 23120_SC_002 - Block Plan
- 23120-SC-010 - Existing Elevations Sheet 1
- 23120-SC-011 - Existing Elevations Sheet 2
- 23120-SC-012 - Existing Elevations Sheet 3
- 23120-SC-100 - Proposed Elevations Sheet 1
- 23120-SC-101 - Proposed Elevations Sheet 2
- 23120-SC-102 - Proposed Elevations Sheet 3

Assessment of Lawfulness

In accordance with Section 55 of the 1990 Act, the judgement that must be made is whether the proposed operations would result in an overall material effect to the external appearance of the building. The effect upon the external appearance of the building when considered as a whole is relevant, not the effect upon an isolated part. Whilst works to the exterior the building are proposed, the supporting information which has been submitted demonstrates with sufficient precision and reliability that the proposed works would not *materially affect the external appearance*.

Relevant case law¹ confirms that any assessment of materiality should also take into account the nature of the building, such as its age and character, and whether it is listed or located within a Conservation Area. The building is not listed or located within a Conservation Area. The building is of contemporary appearance, characterised by its predominant use of cladding panels. Following the works this appearance and character would be maintained.

The proposed works would not materially affect the external appearance of the building and in accordance with Section 55 of the 1990 Act, they do not constitute development as defined. Therefore, planning permission is not required. This application seeks to confirm this position through the issuing of a Certificate of Lawful Development.

This application has been submitted to enable important fire safety works to be carried out. We trust that sufficient information has been provided to enable officers to assess this application and issue a Certificate, and we would be grateful to receive this as quickly as possible. In the meantime, should you have any questions please do not hesitate to contact me using the contact details above.

¹ Burroughs Day v Bristol City Council [1996] 1PLR 78; [1996] 1EGLR 167; [1996] 19EG 126: [1996]



Yours sincerely,

A handwritten signature in black ink that reads "Savills". The signature is stylized and cursive, written in a dark grey or black ink.

Ben Thomas
Director