

LDC (Proposed) Report		Application number	2024/0099/P
Officer		Expiry date	
Sofie Fieldsend		07/03/2024	
Application Address		Authorised Officer Signature	
4 Ellerdale Close London NW3 6BE			
Conservation Area		Article 4	
Fitzjohns Netherhall		Basements	
Proposal			
Erection of rear outbuilding			
Recommendation:		Grant Lawful Development Certificate	

1. Site Description

1.1 The site consists of a two-storey detached single family dwelling house which sits on Ellerdale Close.

1.2 The site is in Fitzjohns Netherhall Conservation Area. The proposal for the erection of a single storey outbuilding in the rear garden of the property to be used in association with the main dwelling as a summer house and storage area. It measures 3m deep, 4.5m wide and stands at 2.5m high.

1.3 There are no Article 4 Directives or planning conditions which might limit permitted development rights for outbuildings at the property.

1.4 The proposals are assessed under Class E (development within the curtilage of a dwellinghouse), Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse) Class E

The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

If yes to any of the questions below, the proposal is not permitted development		Yes/no
E.1 (a)	Is permission granted to use the dwellinghouse as a dwellinghouse only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?	No
E.1 (b)	As a result of the works, will the total area of ground covered by	No

	buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	
E.1 (c)	Would any part of the building, enclosure, pool or container be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?	No
E.1 (d)	Would the building have more than a single storey?	No
E.1 (e)	Would the height of the building, enclosure or container exceed— (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case?	No
E.1 (f)	Would the height of the eaves of the building exceed 2.5 metres?	No
E.1 (g)	Would the building, enclosure, pool or container be situated within the curtilage of a listed building?	No
E.1 (h)	Would it include the construction or provision of a veranda, balcony or raised platform?	No
E.1 (i)	Would it relate to a dwelling or a microwave antenna?	No
E.1 (j)	Would the capacity of the container exceed 3,500 litres?	N/A
E.2	In the case where any land is within the curtilage of the dwellinghouse which is within— (a) an area of outstanding natural beauty; (b) the Broads; (c) a National Park; or (d) a World Heritage Site Would the total area of ground covered by buildings, enclosures, pools and containers be situated more than 20 metres from any wall of the dwellinghouse exceed 10 square metres?	N/A
<p>Is the property in a conservation area? Yes. If YES to the question below then the proposal is not permitted development:</p> <p>The property is located in a conservation area.</p>		
E.3	Would any part of the building, enclosure, pool or container be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?	No
E.4	Interpretation of Class E	
	For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse	
<p>2. Consultation</p> <p>2.1 There is no statutory requirement to consult on lawful development certificate applications. Nevertheless, residents or local groups can comment or object to this type of application.</p> <p>2.2 No comments or objections have been received during the course of the application.</p>		

3. Assessment

- 3.1** The decking to the front of the outbuilding stands at 150mm high and wouldn't be considered to fall under the category of a veranda, balcony or raised platform.
- 3.2** The proposal is considered to satisfy all criteria as set out under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and as such, would be permitted development and lawful.
- 3.3** An informative is recommended to the effect that the outbuilding should only be used for a purpose(s) incidental to the enjoyment of the dwellinghouse.

Recommendation: Grant Certificate of Lawful Development

