

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2024/0909/P
<b>Officer</b>		<b>Expiry date</b>	
Leela Muthoora		23/05/2024	
<b>Application Address</b>			
26 Elliott Square London NW3 3SU			
<b>Conservation Area</b>		<b>Article 4</b>	
None		Basements	
<b>Proposal</b>			
Erection of garden building and relocation of gate to the rear boundary.			
<b>Recommendation:</b>		Grant Lawful Development Certificate	
<b>Site</b>			
<p>The application site refers to a three-storey dwelling house located on the southern side of the square. It is within the planned residential estate known as the Chalcot Estate which is bounded between Adelaide Road to the north and King Henry's Road to the south built during the 1960's and 1970's. The rear garden and boundary fence front the north side of King Henry's Road.</p> <p>The dwelling is characteristic of the two housing types within the estate. It is not statutorily listed, not within a Conservation Area nor subject to any other heritage designations.</p>			
<b>Schedule 2, Part 1, Class E</b>			
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)	Permission to use the dwelling house as a dwelling house has been granted 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 buildings, enclosures and containers within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?		No
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?		
E.1 (d)	Would the building have more than one 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 No 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)	Does it relate to a dwelling or a microwave antenna?	No
E.1 (j)	Would the capacity of the container exceed 3,500 litres?	No
Is the property in a conservation area? If yes to the question below then the proposal is not permitted development		
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

<b>Schedule 2, Part 2, Class A</b> The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.		
If yes to any of the questions below the proposal is not permitted development		Yes/no
A.1 (a)	Will the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed— (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons; (ii) in any other case, 1 metre above ground level?	N/A  N/A
A.1 (b)	Will the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level?	N/A
A.1 (c)	Will the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or	No
A.1 (d)	Would it involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building?	N/A
Interpretation of Class A - For the purposes of Class A, “school” includes—		
A.2(a)	premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and	N/A
A.2(b)	to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.	N/A

**Assessment:**

The site is a terrace dwelling house constructed as is part of an estate in the 1960's to 1970's. The property does not lie within a conservation area, is not a listed building and is not restricted by an Article 4 direction.

The proposals meet all the limitations and conditions of Schedule 2, Part 1, Class E for a building required for a purpose incidental to the enjoyment of the dwellinghouse and of Schedule 2, Part 2, Class A for minor operations for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall as set out in the table above. Under A.1(c) the relocation of the gate would be permitted development as it is an alteration to an existing gate which does not exceed the former height of the original gate.

Therefore, the certificate of lawful development (proposed) should be granted.