

LDC Report		Expiry Date: 10/04/2024
Officer		Application Number
Jaspreet Chana		2024/0603/P
Application Address		Recommendation
51 Flat A Chester Road London N19 5DF		Grant certificate of lawfulness.
1st Signature		2nd Signature (if refusal)
Proposal		
Retention of lower ground floor french doors.		
Assessment		
<p>The application site is located on the south-west side of Chester Road. The application relates to the lower ground floor (flat A) of the property. The building is not listed but is located within the Dartmouth Park Conservation Area.</p> <p>The application seeks to demonstrate that the French doors located at the rear of the lower ground floor (belonging to flat A) have existed for a period of 4 years or more, such that they would be considered lawful development and would not require planning permission.</p> <p>The applicant is required to demonstrate, on balance of probability that the French doors have been in place for a period of 4 or more years.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • A letter signed by the tenants of flat A with photograph dated 07/02/2024 • Two photos submitted with doors shown – date of photos taken: 28/05/2017 & 25/06/2017 • Property history - 51a Chester Road, London N19 5DF - Marketed for sale on 16th Nov 2012 - Zoopla – this link shows the property marketed on 16/11/2012 with photographs. <p>The applicant has also submitted the following plans:</p> <ul style="list-style-type: none"> • A site location plan outlining the application site. • Existing plans – lower ground and ground floor • Previous plans – lower ground and ground floor 		

Council's Evidence

There is no relevant planning history or enforcement action on the subject site.

From the photographs and evidence submitted by the applicant, including the property listing from 2012 demonstrating that the French doors were in place then, over a decade from when this application was submitted, officers are satisfied that the lower ground floor french doors have been in place for over 4 years.

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the "balance of probability", and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The Council does not have any evidence to contradict or undermine the applicant's version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the lower ground floor french doors have existed for a period of more than 4 years, as required under the Act. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

Recommendation: Approve certificate of lawfulness.