

Application ref: 2024/1726/P
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Date: 2 July 2024

Development Management
Regeneration and Planning
London Borough of Camden
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London
WC1H 9JE

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Lambert Smith Hampton
55 Wells Street
London
W1T 3PT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Existing) Granted

The Council hereby certifies that on the 13 May 2024 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Confirmation that planning permission 2017/1047/P as amended by 2022/4985/P (dated 10/06/2019 and 19/12/2022) for "Creation of a single storey basement with lightwell to front and rear, installation of 1x air conditioning unit within front garden, installation of 3x rooflights, removal of 1x palm tree from front garden, alterations to side elevation fenestration, alterations to rear ground floor patio doors and erection of a new fence in the front garden" were lawfully implemented by the carrying out of material operations prior to the expiry of the permission.

Drawing Nos: Site Location Plan; Planning Statement from Lambert Smith Hampton (x 16 pages) dated 22nd April 2024; Counsel Opinion from Cornerstone Barristers dated 24th January 2024 (x 20 pages); Estimation of works from Philby's Ltd dated 13th May 2022; Email from BB Partnership Chartered Architects dated 27th May 2022 confirming that the works were virtually completed on site (including a photograph of two rooflights in situ); Payment for monitoring of the Construction Management Plan (CMP) dated 12th June 2022; Email from the homeowner to BB Partnership dated 17th May 2022 instructing payment.

Second Schedule:
76 Fitzjohn's Avenue
London
NW3 5LS

Reason for the Decision:

- 1 The evidence submitted confirms that operational works permitted under planning permission 2017/1047/P, dated 10/06/2019, as amended by planning permission 2022/4985/P, dated 19/12/2022, began on the site within three years of the expiry date of the original permission (10/06/2022) and that the permission has therefore been implemented on site.

Informative(s):

- 1 The granting of this certificate is without prejudice to, and shall not be construed as derogating from, any of the rights, powers, and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Town and Country Planning Act 1990 as amended. Planning advice may be sought from the Council's Development Management Team, Town Hall, Argyle Street WC1H 8EQ, (tel: 020 7974 4444) or by email at planning@camden.gov.uk.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.