



Dunthorne Parker Architects

2 FROGNAL CLOSE, LONDON, NW3 6YB

30th January 2025

Chief Planning Officer
Camden Council
5 Pancras Square
London
N1C 4AG

Via Planning Portal only

Dear Sir/Madam,

CERTIFICATE OF LAWFULNESS OF PROPOSED DEVELOPMENT UNDER SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 - TO CONFIRM THAT PLANNING PERMISSION 2021/4278/P HAS BEEN LAWFULLY IMPLEMENTED

Please accept this covering letter in support of a lawful development certificate to confirm that the above planning permission has been lawfully implemented and that the remainder of the development may be lawfully carried out.

Firstly, case law dictates that an application under s192 can confirm that a planning permission has been lawfully implemented, and that therefore the remainder of a development may lawfully be carried out.

Specifically, In *Republic of France v RB Kensington & Chelsea*, s.192/s.26H certificates of lawfulness of proposed development had been sought and obtained on the basis that:

- A 2008 planning consent and a 2010 listed building consent permitted the works.
- Although the time for implementation of both consents had now passed, works had been carried out – lawfully – under both consents before their expiry.

The claimant – the neighbour, the French Embassy – challenged the certificates on several grounds, but the Court held that the certificates had been granted lawfully.



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The claimant argued that s.192/s.26H certificates could only certify the lawfulness of proposed works, not existing works (which an authority could only certify by a s.191 certificate, and not at all in the listed buildings context). The court rejected that. There is no reason why a s.192/s.26H certificate cannot draw conclusions about the lawfulness of existing works en-route to determining that future works under the same consent(s) would be lawful.

In light of the above, this application is submitted under s.192 of the Town and Country Planning Act 1990. The following is relevant to the determination of the lawful development certificate:

- Planning permission was granted on 26th March 2019 for the erection of a single storey rear extension to the rear of the existing garages to provide a garden room/workshop, replacement of rear and side boundary fence treatment, replacement of garage doors on the garage, replacement patio doors on the ground floor rear elevation, and installation of timber decking to the rear of the main building planning permission reference 2018/4241/P
- The application was approved subject to three conditions (1. Time; 2. Materials; 3. Approved Plans.
- Of those conditions, no's 1, 2, 3, are compliance conditions, requiring no further action.

- Listed Building Consent was granted on 26th March 2019 for the erection of a single storey rear extension to the rear of the existing garages to provide a garden room/workshop, replacement of rear and side boundary fence treatment, replacement of garage doors on the garage, replacement patio doors on the ground floor rear elevation, and installation of timber decking to the rear of the main building Listed building consent reference 2018/3040/L
- The application was approved subject to five conditions (1. Time; 2. Approved Plans.
- 3. Materials; 4. Patio door details; 5. Cleaning of Brickwork
- Of those conditions, no's 1, 2, 3, 5, are compliance conditions, requiring no further action.
- Condition 4. Patio Door Details was discharged on 16th January 2020 by way of Condition consent 2019/5894/L



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The one condition has been discharged, and no other conditions were required to be discharged prior to the commencement of the start of works on site, as stipulated above. As such, the applicant has now implemented the planning permission. The installation of the replacement patio doors on the ground floor rear elevation and the timber decking to the rear of the main building were carried out in 2021, and this is vouchsafed by the dating of the contemporaneous photographs taken at the time and now submitted with this application.

The work of construction is held by the Planning Act to represent a material operation that initiates development. Section 56 of the Act states:

(1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—

(a) if the development consists of the carrying out of operations, at the time when those operations are begun...

and thereafter states:

(4) "material operation" means—

(a) any work of construction in the course of the erection of a building;

(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building...

In light of the clarity offered by the Town and Country Planning Act it is clear that the development, as outlined above, has been initiated.

I would therefore be grateful if you could issue a lawful development certificate accordingly.

If you have any queries or require any points of clarification, please do not hesitate to contact me.

Yours faithfully,
for and on behalf of
Dunthorne Parker Architects,

A handwritten signature in black ink, appearing to read 'Mal Parker', written in a cursive style.

□

Mal Parker
Director