

# Planning Statement

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**No 4, The Hexagon, Fitzroy Park, N6 6HR**

*“Application for a Certificate of Lawfulness for proposed Use or Development (CLOPUD)”*

**February 2025**

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PLANNING PROPERTY SERVICES

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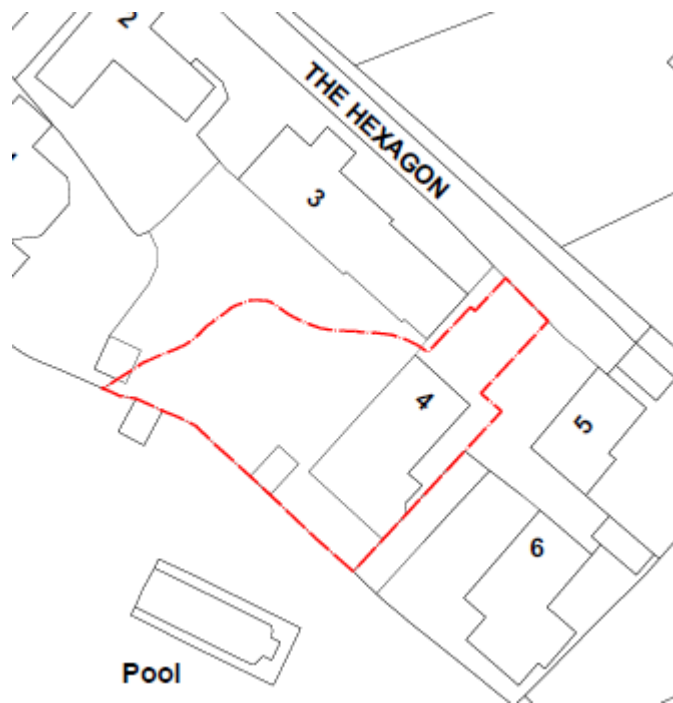
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# 1 Introduction

- 1.1 The application seeks confirmation from the London Borough of Camden that the proposed outbuilding as per the submitted details falls within the permitted development rights afforded to No 4, The Hexagon, N6 6HR (hereafter referred to as 'the Site').
- 1.2 The details of the above works are provided by the submitted plans and elevations. This report assesses the proposals against the relevant parts of the General Permitted Development Order (GPDO) 2015 (as amended) and demonstrates their full compliance with these. We respectfully ask that the requested Certificate of Lawfulness be granted accordingly and without delay, and should the LPA require any further clarification we would be very happy to assist.

## 2 Application Site and Surroundings

- 2.1 No 4 The Hexagon is a detached two storey dwellinghouse located on the south side of “The Hexagon” which provides
- 2.2 access to this and neighbouring properties. The property is set back from the highway and has a site area of around 560sqm.
- 2.3 The application site is not listed, and it is not considered to be within the setting or curtilage of any such assets – the nearest noted as being No 10, Fitzroy Park which is Grade II Listed. The application is located within the Highgate Conservation Area. A location plan is provided for reference with the application site outlined in red:



*Figure 1 Site Location Plan*

- 2.4 Planning permission was granted by the Council in May 2023 by application 2023/0534/P for a single storey rear lower ground floor extension. This permission has not been commenced or implemented.
- 2.5 The application is of relevance to this submission because it confirms what is considered by the LPA to be the rear elevation of the property, which is the south west elevation as shown on the above plan.

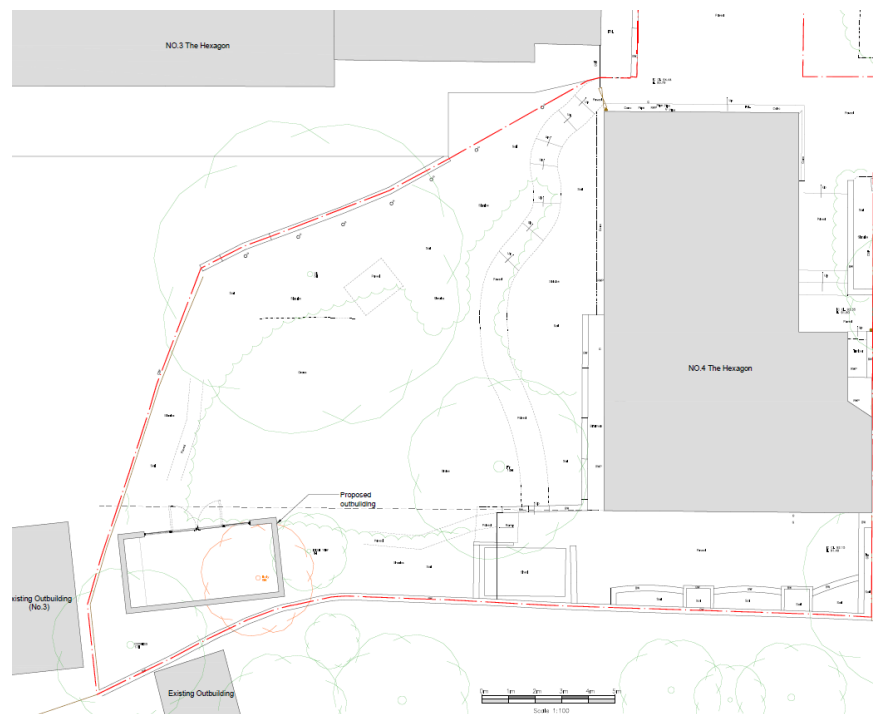
### 3 Planning History

3.1 The most relevant and recent planning application to this submission is provided below for reference:

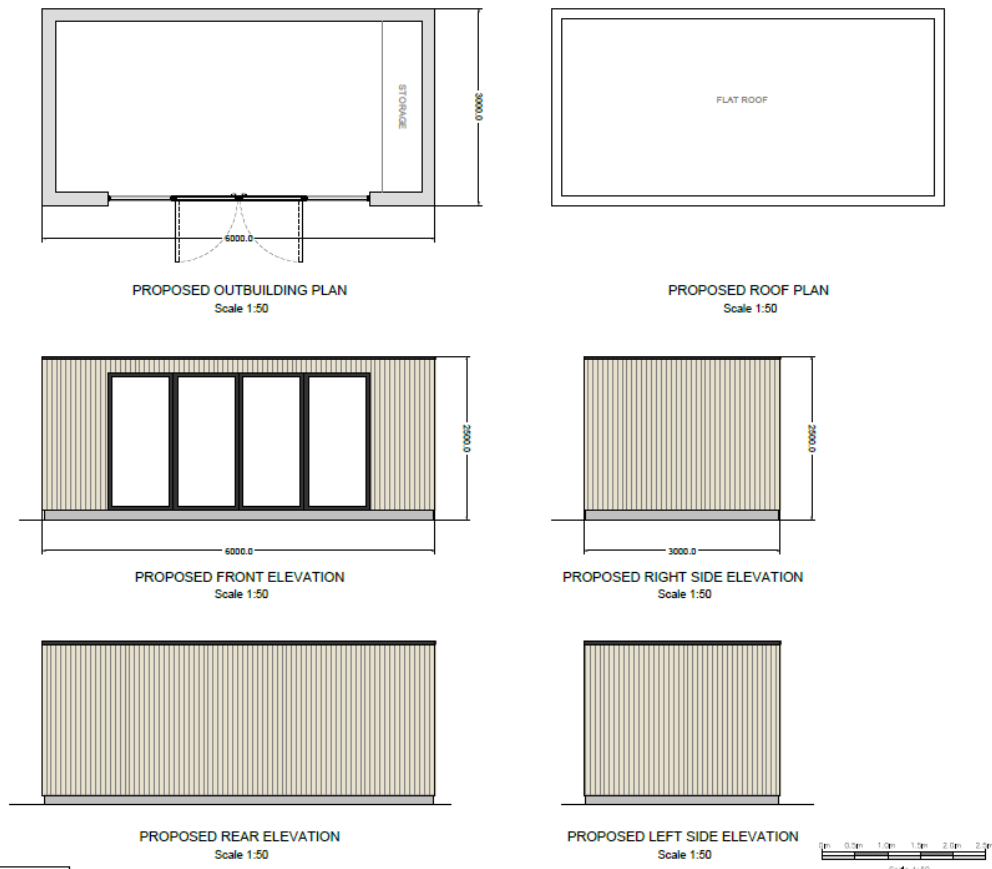
App Ref	Description	Status
2023/0534/P	Erection of single-storey rear lower ground floor extension.	Granted 9 <sup>th</sup> May 2023

# 4 The Proposals

- 4.1 The proposals comprise of the erection of a single storey flat roof outbuilding within the garden of the property. The outbuilding is to be used for purposes incidental to the enjoyment of the dwelling house.
- 4.2 The outbuilding will have a footprint of 18sqm with dimensions of 3m x 6m. It has a maximum height of 2.5m above ground level with a flat roof. It is to be timber clad with dark grey coloured windows on its front elevation. It is to be located in the west corner of the garden, within 1m of the boundary. Within immediate proximity of 2 other comparable outbuildings serving neighbouring properties within their respective gardens. Extracts of the submitted site location plan and proposed elevations are provided below for reference.



**Figure 2 Proposed Location Plan**



**Figure 3 - Proposed outbuilding elevations and plans**

## 5 Legislation

- 5.1 The application is submitted on the basis that the proposals fall within the restrictions set by Class E Part 1 Schedule 2 of the General Permitted Development Order 2015 (GPDO). We are not aware any Article 4 Directions in place that remove these permitted development rights from the property, having consulted the Council's full list of such directions available on the Council's website.
- 5.2 This application requests the Council's confirmation of this, with this Statement providing a full assessment of the proposals against these restrictions in the following sections.



# 6 Assessment

6.1 This section proceeds to assess the proposals against the relevant Classes of the General Permitted Development Order 2015.

6.2 The proposed outbuilding / shed is submitted on the basis that it complies with the relevant requirements of Class E “buildings etc incidental to the enjoyment of a dwellinghouse” of the GPDO 2015. An assessment of this aspect of the proposals against Class E is provided below;

## **Permitted development**

**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.*

**The outbuilding is to provide space for a home office / gym, which falls within the terms identified by part a) above.**

## **Development not permitted**

**E.1** *Development is not permitted by Class E if—*

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G,M, MA, N, P, PA] or Q of Part 3 of this Schedule (changes of use);*

**None of the above are applicable.**

- b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*

**The total curtilage of the dwellinghouse is considered to be around 430sqm. The proposed outbuilding/shed has a footprint of 18sqm. This accounts for around 4% which even when considering historical implemented extensions to the property is well below the 50% threshold.**

- c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;*

Approved application 2023/0534/P identifies the south west facing elevation to represent the rear elevation of the property, confirmed by its approved description of development and proposed plans. The principal elevation is therefore concluded to be the opposite elevation which faces onto The Hexagon, which is described as its front elevation. This accords with the definition provided by the Householders Permitted Development Rights Technical Guidance Document, which confirms that “in most cases the principal elevation will be the part of the house which fronts the main highway serving the house” and “usually the principal elevation will be what is understood to be the front of the house.” The proposals are entirely to the rear of the dwellinghouse.

*d) the building would have more than a single storey;*

**The proposed outbuilding has a single storey.**

*e) the height of the building, enclosure or container would 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;*

**The proposal does not have a dual pitched roof, and is within 2 metres of the boundary. It has a height of 2.5m and so complies with the above.**

*f) the height of the eaves of the building would exceed 2.5 metres;*

**As per the above this requirement is complied with.**

*g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;*

**The application site is not a Listed Building, and so the proposals do not fall within the curtilage of a listed building.**

*h) it would include the construction or provision of a verandah, balcony or raised platform;*

**The proposals do not include any of the above.**

- i) it relates to a dwelling or a microwave antenna;*
- j) the capacity of the container would exceed 3,500 litres*

k) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]*

**None of above apply to the application site.**

**E.2** *In the case of any land 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,*

*development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.*

**None of the above apply to the application site. In any case, the proposals are within 20m of the dwellinghouse.**

**E.3** *In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.*

**The application site is within article 2(3) land as it is within the Highgate Conservation Area. The proposals are not situated on land between the side elevation of the dwellinghouse and its curtilage.**

**Interpretation of Class E**

**E.4.** *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.*

**The proposals are for a home office / gym and so comply with the above.**

6.3 The above assessment thereby demonstrates that the proposed outbuilding/shed complies with Class E of the GPDO 2015 and is therefore permitted development.

## 7 Conclusions

7.1 This statement has demonstrated the proposals compliance with Class E of the General Permitted Development Order 2015. The proposals are therefore shown to be permitted development, and we respectfully ask that the Council confirm this without delay through the granting of this application for a certificate of lawfulness for Proposed Use or Development (CLOPUD).