

LDC (Proposed) Report		Application number	2025/0567/P
Officer		Expiry date	
Leela Muthoora		08/04/2025	
Application Address			
34 Meadowbank, London, NW3 3AY			
Conservation Area		Article 4	
None		Basements	
Proposal			
Erection of a porch to the front entrance of house.			
Recommendation:	Grant Lawful Development Certificate		
Site			
<p>The site is a three storey mid-terrace single dwelling house with front and rear roof dormers. There is a small private garden to the rear with access to a communal garden enclosed by houses on Meadowbank and Ainger Road. The site is located to the south-east of the cul-de-sac within a modern estate managed as a private road.</p>			
<p>Class D The erection or construction of a porch outside any external door of a dwellinghouse</p>			
If yes to any of the questions below the proposal is not permitted development			Yes/no
D.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
D.1(b)	Would the ground area (measured externally) of the structure exceed 3 square metres?		No
D.1(c)	Would any part of the structure be more than 3 metres above ground level?		No
D.1(d)	Would any part of the structure be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway?		No

Condition D.1(d) within 2 metres of any boundary with a highway

“Highway” has the same meaning as in the Highways Act 1980. However, that act does not define the term “highway”, and it is necessary therefore to refer to the common law rules. Stated shortly, a highway may be defined as a way over which all members of the public have the right to pass and repass. However, their use of the way must be as of right, not on sufferance or by licence (*Southwark LBC v Transport for London [2017] EWCA Civ 1220*).

Meadowbank is a private road, and this and the footpath outside the property is an unadopted private street. The footpath would be considered for access only by residents and their visitors and is not in routine use as a public footway. The road serving the houses is a cul-de-sac and the path in front of the house serves numbers 32 to 39 Meadowbank. Although there is no permanent gate or barrier, there is a sign on entry to Meadowbank making clear that it is a private road. Access is by permission and only used by those living in or visiting the estate so the path in front of the house is not considered a highway.

Assessment

The site is a dwellinghouse. It is not a designated heritage asset, that is, it is not within a conservation area, not a statutorily listed building and is not restricted by an Article 4 direction for the proposed development.

The proposal meets all the limitations and conditions of Schedule 2, Part 1, Class D for erection or construction of a porch outside any external door of a dwellinghouse, as set out in the table above. Therefore, the Certificate of Lawful Development (Proposed) should be granted.