

<b>LDC (Existing) Report</b>	<b>11/04/2025</b>
<b>Officer</b>	<b>Application Number</b>
John Nicholls	2025/0281/P
<b>Application Address</b>	<b>Recommendation</b>
Flat 20, Thirlmere Cumberland Market London NW1 4EN	Grant lawful development certificate
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (if refusal)</b>
<b>Proposal</b>	
Works undertaken to remediate unauthorised works (windows fitted) and restore the fourth-floor balcony back to its original form and appearance.	
<b>Assessment</b>	
<p><b>Proposal</b></p> <p>The application site is located with a large Council owned block of flats named Thirlmere which faces onto Cumberland Market in the Regents Park Estate. Flat 20 is located on the fourth-floor level at the northern end of the block. The block forms an upside-down L-shape, and Flat 20 runs front to back along the long part of the L, with its flank elevation facing south along the rear elevation and overlooking the rear garden area and its rear elevation facing Nash Street.</p> <p>The building is not listed nor is it located in a Conservation Area.</p> <p>The flats have a line of semi enclosed balconies (one per floor) facing south on the rear elevation. The tenant who lived in Flat 20, fitted a frame with a configuration of five windows within the frame, into the balcony opening, thus enclosing the balcony and creating additional internal habitable space.</p> <p>The managing agent for this particular flat was alerted to this infilling of the balcony by the Council and were asked to remove the new windows to return to the balcony back to its original state. The works have been undertaken and the frame and windows that had previously been inserted into the balcony opening, have now been removed.</p> <p>This application seeks to clarify that the removal of the unauthorised works undertaken by the tenant, would not constitute development that would require planning permission.</p> <p><b>Assessment</b></p> <p>The Town &amp; Country Planning Act 1990 (as amended), Section 55 states that “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. It then</p>	

clarifies that for the purposes of the Act “building operations” includes demolition of buildings, rebuilding, structural alterations of or additions to buildings and other operations normally undertaken by a person carrying on business as a builder.

Furthermore, the Act clarifies that works that carry out maintenance, improvement or other operation of any building works which only affect the interior of a building, or which do not materially affect the external appearance of the building, are not considered to be development under the requirements of the Act.

Therefore, as the works in question are undoing works which would have required planning permission, thereby putting the building back to how it used to look, they are not considered to materially affect the external appearance of the building and therefore are not considered to be development requiring planning permission.

### **Recommendation**

The works undertaken to remediate the unauthorised works and restore the balcony back to its original form and appearance did not constitute development as defined by Section 55 of the Town & Country Planning Act 1990 and therefore would not require planning permission.

It is therefore recommended that a Certificate of Existing Lawful Development is granted.