

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	17/07/2012
		N/A / attached		Consultation Expiry Date:	N/A
Officer			Application Number(s)		
Connie Petrou			2012/2686/P		
Application Address			Drawing Numbers		
9 - 11 Mansfield Road London NW3 2JD			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Excavation to create a basement extension to dwelling house (Class C3).					
Recommendation(s):		Grant			
Application Type:		Certificate of Lawfulness (Proposed)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	10	No. of objections	10
			No. Electronic	00		
Summary of consultation responses:	<p>Summary of Objections:</p> <ul style="list-style-type: none"> This is a flood risk area and basement impact assessment should be submitted to accompany the application The house currently has two extensions and a signed statement has been received from the previous occupier of the property stating that the first extension which sits along the whole back of the house was erected in c1970 and the conservatory in about 1983. The back wall of the original house was the full height brick wall. PD rights are measured from the original building whereas the applicants are trying to build from the first extension. Therefore the 'measure from point' should be approximately a metre further back than in the application; The garage is attached to the house and also no. 13 Mansfield Road. The garage is either part of the house, in which case the house is not detached and pd rights for an extension are 3 metres rather than 4 metres claimed, or garage is an outbuilding and the applicants cannot claim pd rights to extend behind the garage. <p><i>Officer Response:</i></p> <p><i>The scheme can only be assessed against the relevant planning legislation which is the Town and Country Planning (General Permitted Development) (Amendment)(No2)(England) Order 2008 ("GPDO"). The application is to determine whether it is permitted development and hence can go ahead without specific grant of planning permission from the local planning authority. An assessment of its planning merits as to it is acceptable under current policies is therefore not relevant or possible here, as it is purely a legal determination.</i></p> <p><i>The proposal has been amended on the basis that the original wall is that shown in the 1952 approved drawing. The basement extends 4m from this original wall and not from the extension built in c1970.</i></p> <p><i>The property is built adjacent to both west and east boundaries, however, is a detached dwelling by definition of the being capable of demolition by removing all walls that enclose accommodation within the properties demise, without any shared/part walls being affected. This is due to the whole structure built in 1956 being independent of any existing structures, as shown in the original approved drawing.</i></p>					
CAAC/Local groups* comments: *Please Specify	None					

Site Description

The site relates to a detached two storey property with a side garage located on the south side of Mansfield Road. The property is not listed but is located in the Mansfield Conservation Area.

Relevant History

59873 – Erection of detached 2 two storey dwelling house – Approved 17/07/52

2011/6317/P - Erection of 2x three storey dwellings following the demolition of existing dwelling house (Class C3) – Refused 08/05/12

2012/1663 - Excavation of basement in connection with existing dwelling (Class C3) – Certificate of lawfulness for proposed use – Refused 17/05/12 as insufficient evidence was submitted to define the extent of the 'original' dwelling (ie the size it was when it was built as it is a post 1948 building).

Relevant policies

N/A

Assessment

1.1 Introduction

1.1 A certificate of lawfulness for proposed works has been submitted for consideration by the Council. The proposed works comprise the excavation of a single storey basement extension.

1.2 All works are in association with the existing single dwellinghouse (Class C3).

2.0 Assessment

2.1 The determination of the application can only be made by assessing whether the scheme is lawful as defined by the criteria set out in the Town and Country Planning (General Permitted Development)(Amendment)(No2)(England) Order 2008 ("GPDO"). Given the nature of the proposed works the part of the GPDO that the proposed works are considered against are Class A, which involves the enlargement, improvement or other alteration of a dwellinghouse within the curtilage of a dwellinghouse.

2.2 It is emphasised that this is a legal determination; no account can be taken of policy or advice within the Council's LDF or the planning merits of the scheme in terms of issues such as its impact on neighbour amenity, design, conservation area character or transport conditions for example.

2.3 Attached is a tabular analysis of the relevant permitted development rights.

Class A The enlargement, improvement or other alteration of a dwellinghouse		
If yes to any of the questions below the proposal is not permitted development		Yes/no
A.1 (a)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No - The application site covers a large plot and therefore the proposal is below this figure.
A.1 (b)	Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	No - The extension is single storey and below ground floor level.
A.1 (c)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse?	No - The extension is single storey and below ground floor level.
A.1 (d)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse?	No - The extension is located directly below the dwellinghouse.
A.1 (e)	Will the enlarged part of the dwellinghouse have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or	No - The extension extends beyond the main rear wall of the original dwelling house by a maximum of 4.0m. The approved plan dating back to 1952 does not include either the brick extension which extends across the rear

	(ii) exceed 4 metres in height?	elevation or the conservatory.
A.1 (f)	Will the enlarged part of the dwellinghouse have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse?	No - The extension is single storey.
A.1 (g)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	No – The extension is below ground.
A.1 (h)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (ii) have a width greater than half the width of the original dwellinghouse?	No - The extension is entirely below the building.
A.1(i)	Would it would consist of or include either (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No - None of the above apply to the proposed basement development
Is the property in a conservation area? If yes to any of the questions below then the proposal is not permitted development		
A.2(a)	Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?	n/a
A.2(b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	n/a
A.2(c)	Would the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse?	n/a
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	n/a
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	n/a
A.3(c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	n/a

DISCLAIMER

Decision route to be decided by nominated members on Monday 16th July 2012. For further information please click [here](#).