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10 October 2011

Our ref: GAO/RJLD/J6434

Your ref:

Dear Sirs

**Town and Country Planning Act 1990 (as amended)
2 Wadham Gardens, London NW3 3DP**

We write on behalf of Mr S Simpson to enclose an application for a Lawful Development Certificate for an existing use or operation in respect of works undertaken at 2 Wadham Gardens, London NW3 3DP. The works undertaken commenced in June 2011 and thereby lawfully implemented planning permission reference 2007/6360/P granted on 4 July 2008.

This application seeks confirmation that the works that have commenced and been undertaken have lawfully implemented the planning permission.

Accordingly, the following are enclosed, which along with this letter form the contents of the application:

- Fee cheque for £150.00 (by post);
- Lawful Development Certificate Application form;
- Site Location Plan (PL)01;
- Photograph of front elevation of property prior to works (PL)01;
- Photographs of the property during the works including material operation of underpinning, thereby implementing the planning permission G450(PL)18;
- Drawing and details of the underpinning work that have been undertaken G450(PL)17;
- 'Existing' drawings of the property prior to the commencement of works:
 - Existing ground floor plan PL_03 rev.A;
 - Existing section AA (PL)04 rev.A;
 - Elevations front and rear as existing (PL)05 rev.A;
- 'Proposed' drawings showing the design and layout of the building upon completion:
 - Proposed general arrangement ground floor (PL)06 rev.B;
 - Proposed general arrangement basement (PL)07 rev.B;
 - Proposed section AA (PL)08 rev.B;
 - Proposed section BB (PL)09 rev.B;
 - Elevations front and rear proposed work (PL)10 rev.A;
 - Proposed general arrangement ground floor structure (PL)20 rev.A;
 - Proposed general arrangement basement structure (PL)21 rev.A;
 - Proposed general arrangement landscaping (PL)13;
 - Proposed boundary elevations (PL)14;

- Proposed retention pond details landscaping (PL)15;
- Letter from Ian Hicks of BRCS (Building Control) Ltd dated 11 August 2011 confirming that underpinning works were satisfactory;
- Letter from Patrick Graham of Greig-Ling Architects and Consulting Engineers dated 5 October 2011 confirming that works began and the permission implemented on 20 June 2011;
- Initial Notice served by BRCS (Building Control) Ltd dated 7 June 2011; and
- Letter from LB Camden Building Control dated 9 June accepting the Initial Notice.

The building

2 Wadham Gardens is a single dwellinghouse, as shown on the relevant plans and photographs and is not listed.

Planning permission

Planning permission (reference 2007/6360/P) was granted on 4 July 2008 for:

‘the excavation of the basement and erection of a glazed extension to the rear and new door to replace existing within the rear elevation’.

Details were submitted in respect of conditions 2 and 4 and were discharged by the Council on 15 March 2011 (reference 2011/1229/P) and 28 April 2011 (reference 2011/1932/P) respectively.

Current building works – description

Section 191(1)(b) of the TCPA 1990 indicates that an application of a certificate of lawfulness of existing use of development can be made to ascertain whether “any operations which have been carried out in, on, over or under land are lawful”. One can apply in respect of material operations that have commenced a development even if the full development has not yet been completed. The issue is whether enforcement action can be taken against those operations: see s.191(2)(a) – which in the present case means whether the development that those operations have commenced is permitted by the planning permission reference 2007/6360/P.

The proposed drawings, as listed above, illustrate the works upon completion.

The current works comprise:

- The underpinning of the foundations;
- Works and operations associated with the construction works.

These works are shown in more detail on the proposed drawings forming part of this submission. From June 2011, the following material operation was carried out in order to lawfully implement the works:

- Underpinning works for the implementation of the works as shown on the scheme drawings

A letter from BRCS (Building Control) Ltd dated 11 August 2011 confirms that the works undertaken have been inspected in accordance with the Building Regulations 2010, along with photographs of the work that has progressed.

Status of works

Section 56 (4) of the Town and Country Planning Act provides that a “material operation” constitutes:

- (a) Any work of construction in the course of the erection of a building;**
- (aa) any work of demolition of a building;**
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;**
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);**
- (d) any operation in the course of laying out or constructing a road or part of a road;**
- (e) any change in the use of any land which constitutes material development.**

The works are a material operation in accordance with the definition in Section 56(4)(a) of the Town and Country Planning Act and therefore the development shown on the drawings and permitted by permission reference 2007/6360/P has been implemented. The works undertaken form part of the permitted works.

This application for a Certificate seeks confirmation that:

- 1) The works carried out in June 2011 onwards are a material operation and therefore constitute implementation of the development;
- 2) The development was permitted by planning permission reference 2007/6360/P and is therefore lawful.

Accordingly we look forward to receiving the Certificate as expediently as possible.

In order to discuss any matters, please contact either Robert Davies (020 7333 6207) or Graham Oliver (020 7333 6315) of this office.

Yours faithfully



Gerald Eve LLP

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