

<b>LDC Report</b>		29/01/2010
<b>Officer</b>		<b>Application Number</b>
Rob Tulloch		2009/5458/P
<b>Application Address</b>		<b>Drawing Numbers</b>
14 Elliott Square London NW3 3SU		See decision notice
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b>		
Conversion of a garage to a habitable room including the addition of a front window at ground floor level of a single dwelling house (Class C3).		
<b>Recommendation: Refer to Draft Decision Notice</b>		
<b>Assessment</b>		
<p>The property is a ground and two storey terraced house with an integral garage at the front. It does not lie within a conservation area.</p> <p><b>Planning history</b></p> <p>Permission was granted for the development of the site known as the Chalcot Estate in the 1960's. Permitted development rights were not removed from any of the houses, however a condition was attached preventing the garages from being used for any purpose other than incidental to a dwellinghouse or flat, the reason being to protect residential amenity</p> <p><b>Proposal</b></p> <p>The proposal is to convert the garage into a habitable space and replace the garage door with a wall and window. Converting a garage into a habitable space would not breach the above condition as the use would be residential and not harm neighbouring residential amenity.</p> <p>A planning application was submitted previously for this work, but withdrawn on advice from the Council on the basis that the proposal was likely to be permitted development.</p> <p><b>Assessment</b></p> <p>The proposal is assessed against Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Class A deals with the enlargement, improvement or other alteration of a dwelling house.</p>		

Development is not permitted by Class A if—

- (a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Not applicable – the proposal does not include extensions or outbuildings

- (b) 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;

Complies – the part of the dwellinghouse altered is at ground floor level

- (c) 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;

Not applicable – the part of the dwellinghouse altered has no eaves

- (d) the enlarged part of the dwellinghouse would extend beyond a wall which—
  - (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

Not applicable – the proposal is not an enlargement

- (e) the enlarged part of the dwellinghouse would 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
  - (ii) exceed 4 metres in height;

Not applicable – the proposal is not an enlargement

- (f) the enlarged part of the dwellinghouse would 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;

Not applicable – the proposal is not an enlargement

- (g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Not applicable – the proposal is not an enlargement

- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
  - (i) exceed 4 metres in height,
  - (ii) have more than one storey, or
  - (iii) have a width greater than half the width of the original dwellinghouse; or

Not applicable – the proposal is not an enlargement

- (i) it would consist of or include—
- (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.

Complies – the proposal does not consist or include any of the above.

The property is not located on article 1(5) land; hence section A.2 of Class A is not applicable.

Permitted development under Class A is also subject to certain conditions:

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Complies – the proposed wall will be white painted render with a uPVC window. The exterior of the existing dwelling comprises brick, render and uPVC windows.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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;
- And

Not applicable – window is at ground floor

- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable – the proposal is not an enlargement

The proposal therefore complies with the requirements and conditions of Class A and would therefore be permitted.

## **Recommendation**

Grant Certificate of Lawfulness

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