

LDC Report		27/12/2006
Officer		Application Number
Cassie Plumridge		2006/4486/P
Application Address		Drawing Numbers
3A Strathray Gardens London NW3 4PA		Refer to draft decision notice.
PO 3/4	Area Team Signature	Authorised Officer Signature
Proposal		
Application for Certificate of Lawfulness for existing development for: Installation of railings to roof in connection with its use as a terrace.		
Recommendation : Refer to Draft Decision Notice		
Assessment		
<p>Part VII, Section 172 (4)(a) of the Town and Country Planning Act 1990 states 'An enforcement notice which relates to a breach of planning control consisting in ... the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land; ... may be issued only within the period of four years from the date of the breach'.</p> <p>Thus, works which have been substantially completed for more than four years to a residential building are not subject to enforcement action, and subsequently are considered to be lawful.</p> <p>The applicant has submitted information demonstrating that the addition of the railings around the roof and the use of the flat roof as a terrace occurred more than 4 years ago. The evidence submitted included a Statutory Declaration from Marie Koralek, and a letter from the adjoining neighbours (3C Strathray Gardens – Melanie and Jamie Marshall). They confirm that the railings have been in place since 1985.</p> <p>It is noted that the railings around the roof terrace have a height of approximately 900mm above roof level which is not in accordance with building regulations. This does not impact on the lawfulness of use of the railings and the roof terrace in planning terms. It is recommended that an informative be placed on the Certificate advising that in order to comply with Building Regulations the railings will need to be increased in height, and planning permission would be required to carry out these works.</p> <p>The Council is satisfied that the information provided confirms that the railings have been in place and the roof has been used as a terrace for more than 4 years, and therefore are considered to be lawful.</p>		

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