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London NW3 4PA
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29 SEP 2006 2M

North West Area Team
Development Control
Planning Services
Camden Town Hall
Argyle Street
London WC1H 8ND

28 September 2006

Your Ref: CA\2006\ENQ\11428

Dear Sir / Madam

Application for Certificate of Lawfulness for Existing use or operation (the "Application"): Roof Terrace at 3a Strathray Gardens, NW3 4PA (the "Property")

Thank you for taking the time to consider and respond to our initial enquiry. In response to your letter, dated 4 September 2006 (the "Letter"), and subsequent verbal advice we have received from various Duty Planners, we are hereby submitting this Application in respect of the roof terrace at our Property (please see enclosed form).

We believe we have concrete documentary evidence which demonstrates, for the purposes of this Application, that the flat roof area (situated above and accessible from our Property alone) has been used as a roof terrace for light domestic/leisure use since at least 1985 (and possibly before then). The Property was sold to us by our predecessor with a roof terrace attached (please see Documents 1 and 2 attached hereto). Furthermore, we have continued to use the roof terrace as such since our purchase of the property in February 2004, and have had its structural soundness confirmed in writing by a structural engineer for the avoidance of doubt. This is the only outdoor space attached to the Property, and has therefore been an important 'green amenity' for us and our predecessors (particularly given the family size of the Property).

As mentioned in our initial enquiry, eventually we would like to change the railings to an architecturally sympathetic and acceptable alternative in keeping with the conservation area for both safety (and aesthetic) reasons (we have a young toddler for whom the area needs to be made safe under supervision, the current railings are also unsound and in contravention of building regulations). Please note that our predecessor informed us that neither she, nor her predecessor in turn, ever had cause to replace the current railings as they never had young children living in the Property for whom the railings could have been hazardous. We have been told that the current railings were placed around the perimeter of the roof terrace c.1965.

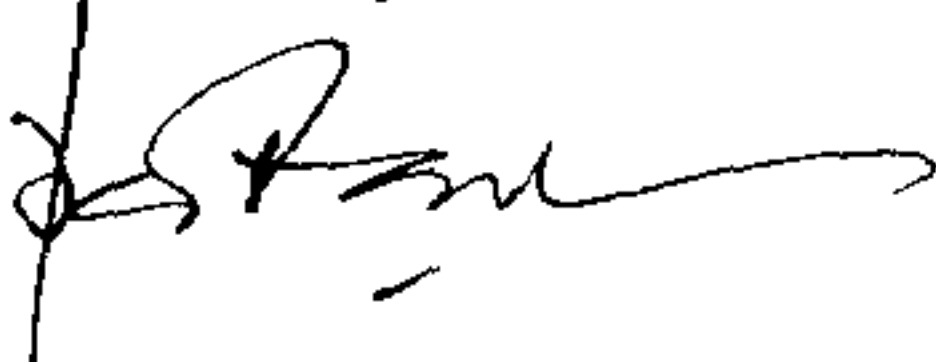
We understand from your Letter that changing the railings is an alteration that requires formal planning permission, and we intend to apply for such permission next summer. (We also note that similar work has been undertaken in other properties along Strathray Gardens with no history of planning applications having being made). As we are now expecting our second child (due in April 2007), and this summer has all but gone, we have decided to officially establish use of the terrace with you first before proceeding with a formal planning application in due course. In addition, we do not presently have the funds to undertake the costly process of commissioning an architect for the drawings, etc. which would be required in support of such an application.

In conjunction with this Application, we enclose the following supporting documentation for your review:

1. Certified copy of a Statutory Declaration from Marie-Claire Koralek (the previous owner of the Property), dated 20 February 2004;
2. Certified copy of Kinleigh Folkard & Heyward (Estate Agent) floorplan of the Property (from sale particulars) showing the area in question labelled an "Unofficial Roof Terrace", dated August 2002; and
3. Original Certification Letter from our co-freeholders and neighbours, Melanie and Jaime Marshall (3C Strathray Gardens, NW3 4PA), dated 20 September 2006, attesting to the area's current and historic established use as a roof terrace.

We look forward to receiving your response with regard to this Application at your earliest convenience.

Yours faithfully



(Prajakt and Anita Samant)