

LDC Report	24/06/2015
Officer	Application Number
Darlene Dike	2015/2378/P
Application Address	Recommendation
21-22A Chalcot Square London NW1 8YA	Approve
1st Signature	2nd Signature (if refusal)
Proposal	
Creation of a doorway to party wall in rear garden.	
Assessment	
<p>Site Description: The application site is located on the north eastern side of Chalcot Square, and comprises two four storey terraced properties; one at 21 Chalcot Square currently used as a dwelling house and a second at 22 Chalcot Square which has been divided into four flats. The buildings are Grade II Listed and fall within the Primrose Hill conservation area, in which certain works are restricted by Article 4 Direction.</p> <p>Proposal: A certificate of lawfulness application has been submitted to establish whether a doorway, positioned in the rear garden party wall between the two properties, can be considered permitted development. The application form, drawing and supporting statement make clear that the properties are to remain as separate residential units, with their own utilities and separate Council tax being paid on each unit. The works have been substantially complete as of 31st December 2014.</p> <p>Assessment: This certificate of lawfulness application has been submitted to establish whether the creation of a connecting doorway is considered to be development, and is therefore assessed on these grounds. The application form, drawing and supporting statement submitted show that the two flats will remain as separate units with separate utilities – and this has been confirmed by internal Council Tax records verifying that separate Council Tax is being paid on both units.</p> <p>Part III, Section 55 of The Town and Country Planning Act 1990 (as amended) defines development as ‘the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land’ (paragraph 1). Further to this it states that works which ‘do not materially affect the external appearance of the building...shall not be taken for the purposes of this Act to involve</p>	

development of the land' (paragraph 2). As the creation of a connecting doorway cannot be classed as a building, engineering, mining or other operation and would not materially affect the external appearance of the buildings, this change is not considered to constitute development.

If, however, the creation of the doorway was to result in the dwelling house and flat being used as a single unit a material change of use would have occurred and this would be classed as development – in which circumstance planning permission would be required for this use.

It is recommended that this certificate of lawfulness for the creation of a doorway to the party wall in the rear garden is granted, as in itself the creation of the doorway is not considered to be development. However, an informative has been attached advising that the applicants should apply for planning permission if the dwelling house and flat are to be used as a single unit,

Recommendation: Approve