

8 Pilgrim's Lane Hampstead, NW3.

Dwelling House Definition

The question whether or not No.8 Pilgrim's Lane is a dwelling house for the purposes of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) is a matter of fact and degree.

No. 8 Pilgrim's Lane should be considered a single dwelling house according to established planning law for the following reasons:

1. The building was **originally constructed** as a single dwelling house (c.1880) and remains largely unaltered.
2. The property is **laid out** internally as a dwelling house with private front and rear gardens.
3. The **building** is entirely capable of occupation as a separate and independent residential unit without restriction or need to share any common parts.
4. A previous application (Ref: 2012/5825/P) refers to a **dwelling**. The LPA altered the description of development at application stage without amending the description as a **dwelling**. The committee report refers to the existing and proposed use as a **dwelling house** (C3). The LPA decision notice of 8th April 2014 (Application Ref: 2012/5825/P) refers to the property as a **dwelling house**. There has been no subsequent material alteration to the property.
5. The property is not a flat according to the GPDO 2015 definition - "*flat*", *except in the expression "flat roof", means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally; (GPDO 2015)*. The footprint of the dwelling is not over-sailed (above or below) by any other dwelling, as in the case of flats or maisonettes.
6. The building description is outside the *GPDO 2015* definition of a building that is not a dwelling house : '*a building containing one or more flats, or a flat contained within such a building*'.
7. The GPDO definition of a dwelling house specifically refers to the **building** when seeking to define a dwelling house, not curtilage or wider planning unit.
8. The proposed alterations will not create a new or altered planning unit and do not comprise a material change of use.

Michael Doyle
21st July 2015