

LDC (Proposed) Report		Application number	2015/4155/P
Officer		Expiry date	
Nanayaa Ampoma		28/09/2015	
Application Address		Authorised Officer Signature	
59 Oseney Crescent London NW5 2BE			
Conservation Area		Article 4	
Bartholomew Estate		None	
Proposal			
Internal works to chimneys.			
Recommendation:	Issue Certificate		

Introduction

The application site falls within the Bartholomew Estate Conservation Area. However the building is not listed.

The application is made under S191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for the erection of internal partitions, works to the chimneys and refurbishment works. The applicant seeks to demonstrate that the proposed works do not constitute development as defined by Section 55 of the Town and Country Planning Act (1990).

Applicant's Evidence

001, 002, 003, 004, 005, 006, 007 Beam calculations 1 of 2 and Beam calculations 2 of 2

Council's Evidence

Council records indicate that the property is residential and in 1974 was given permission to become flats.

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the "balance of probability", and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The information submitted by the applicant demonstrates that the proposed works would relate to the internal reorganisation of the rooms and alterations to the chimneys. As all the works are internal the proposed works do fall under Section 55 of the Town and Planning Act as what constitutes "development". Therefore planning permission is not required as planning

permission is only necessary to works that are defined as “development”.

RECOMMENDATION: GRANT CERTIFICATE