

NOTES IN SUPPORT OF APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE DEVELOPMENT OF AN OUTBUILDING AT 101 CONSTANTINE ROAD, LONDON, NW3 2LR

s.192 of the Town & Country Planning Act 1990 (As amended), states;

'If any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful;...he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question'.

'If, on application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect;'

THE EXISTING BUILDING

The existing building is a three storey terraced dwelling located on the northern side of Constantine Road. The property is located within the Mansfield conservation area.

THE PROPOSED DEVELOPMENT

The applicant proposes the erection of an outbuilding to the rear of the property and within the curtilage of the property.

Development not included within the proposals;

- The proposals do not allow for any extension work to the existing building.
- The outbuilding will not 2.5m in height.

REASONS THAT THE DEVELOPMENT IS CONSIDERED LAWFUL

The provision of an outbuilding is considered permitted development, not requiring any further planning permission as the extent of the works are within the permitted allowance as set out under Class E Part 1

Part 1, Schedule 2 of the 'Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015.

The order states that permitted development includes 'any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure';

In respect of outbuildings the relevant limitations are as follows;

- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
 - (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
 - (d) the building would have more than a single storey;
 - (e) the height of the building, enclosure or container would exceed--- (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case;
 - (f) the height of the eaves of the building would exceed 2.5 metres; (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- The proposed basement extension does not breach any of the above limitations.

OTHER CONSIDERATIONS

- The application site is located within the 'Mansfield conservation area'.

However, it is noted that such designation cannot act to restrict permitted development rights and there is no such exception within the 'Order'. Any such restriction can only be enacted by the imposition of an 'Article 4 direction', of which it is noted, there is none.

END

Mike Harry
(Agent)



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