

Regeneration and Planning
6th Floor
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

24th August 2015

Dear Sir/Madam

PLANNING AND COMPULSORY PURCHASE ACT 2004
17 WADHAM GARDENS, LONDON NW3 3DN

On behalf of our client, Mr A Andrews, we hereby submit a further application for a Certificate of Lawful Proposed Development for:

“Single storey basement extension under the footprint of original building”

The online application comprises the following documents:

1. Completed Application Forms;
2. This covering letter;
3. Site Location Plan @ 1:1250 and site photos;
4. Extract from General Permitted Development Order 1995 (as amended);
5. Existing and Proposed Floorplans;
6. No application fee (free-go following refusal ref 2014 5922/P).

Site and History

The application site comprises a red brick single family dwelling house on the northern side of Wadham Gardens, 50m from its junction with Lower Morton Rise. The residential accommodation is spread over three floors (ground, first and attic levels). The house is not listed but lies within the Elsworthy Road Conservation Area.

Side from a number of tree works applications there is no recent planning history for the site and no development of any form has taken place for over 5 years. Prior to this it is understood that some alterations to the original rear ground floor had taken place under permitted development rights.

The footprint of the building has not been significantly extended since 1948, save for the rear ground floor extension. The original building footprint is identified on the submitted floorplans for reference.

An application for a certificate of lawful development was submitted in September 2014 for the same proposal, however this was refused in March 2015 due to a precedent set by the planning committee

in November 2014 determining an application at 20 Mackeson Road, where members overturned the officers recommendation to grant a certificate and refused the application on the basis that the proposed works would involve engineering and therefore fall outside of permitted development.

This decision was appealed by the applicant and a decision issued on the 20th August 2015 confirms that the position taken by the planning committee was incorrect and that proposals for basement certificates such as this do indeed fall within class A of the GPDO.

An application for a larger basement at 17 Wadham Gardens has since been submitted and is approaching determination, however for this application for the construction of a basement below the footprint of the house is submitted for the avoidance of doubt.

Proposals

The application seeks a certificate of lawful proposed development for the formation of a single storey basement extension beneath the existing footprint of the property, and 4 metres beyond the rear building line. No additional lightwells or external manifestations are proposed. It is considered that the proposed development is classed as permitted by reason of Class A, Part 1 of Schedule 2 of the General Permitted Development Order (1995) (as amended). On this basis, planning permission is not required for the proposal as described on the plans hereby submitted.

Scheme Assessment

The aforementioned Permitted Development Order Class A of the GPDO sets out the requirements for permitted development within Conservation Areas. Set out below are the sections relevant to the proposal and their compliance with these criteria (**our emphasis**):

- (a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) **would not** exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) the height of the part of the dwellinghouse enlarged, improved or altered **would not** exceed the height of the highest part of the roof of the existing dwellinghouse;
- (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered **would not** exceed the height of the eaves of the existing dwellinghouse;
- (d) the enlarged part of the dwellinghouse **would not** extend beyond a wall which—
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (e) the enlarged part of the dwellinghouse would have a single storey and—
 - (i) **would not** extend beyond the rear wall of the original dwellinghouse by more than **4 metres** in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) **would not** exceed 4 metres in height;

- (f) the enlarged part of the dwellinghouse **would not** have more than one storey
- (g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, but the height of the eaves of the enlarged part **would not** exceed 3 metres;
- (h) the enlarged part of the dwellinghouse **would not** extend beyond a wall forming a side elevation of the original dwellinghouse,

A.2 In the case of a dwellinghouse on article 1(5) land:

- (a) it **would not** consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse **would not** extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse **would not** have more than one storey and extend beyond the rear wall of the original dwellinghouse.

For the reasons outlined above it is considered that the proposed basement therefore complies with the criteria set out by the GPDO and that a certificate should be granted accordingly.

This is an important matter for our client and we would therefore be grateful to maintain a dialogue with you throughout your processing of the application. We look forward to receiving your validation letter as soon as possible, but if you have any queries, or require printed versions of the plans or further information, please do not hesitate to contact us.

Thank you for your anticipated assistance on this matter.

Kind regards

Yours faithfully



Matt Bailey
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Director

Encl.