

**Application for Certificate of Lawful Existing Development  
Rear South East Corner Extension  
15 Gayton Crescent  
London  
NW3 1TT**

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- 1 This is an Application for a Certificate of Lawful Existing Development in relation to the Rear South East Corner Extension of the property which has become lawful by reason of the Decision of Inspector Clive Whitehouse made on 19 December 2014.
- 2 The Decision of the Local Planning Authority in relation the Application for a Certificate of Lawful Existing Development No 2013/7388/P that on the balance of probability the development was not lawful development was made on the basis that:
  - (1) the Rear South East Corner Extension was constructed at the same time as the Rear Stair Tower Extension and Rear WC Extension and, therefore, they be treated as a single structure
  - (2) the Rear Stair Tower Extension was not Permitted Development and, therefore, the Rear South East Corner Extension and the Rear WC Extension cannot be Permitted Development
  - (3) evidence submitted by Dr Frances Swain and Mr David Stone indicated that demolition and construction of the Rear South East Corner Extension was commenced after 1 October 2008
- 3 In the Appeal Decision made on 19 December 2014 Inspector Clive Whitehouse held that:
  - (1) for the purposes of planning permission the Rear South East Corner Extension, the Rear Stair Tower Extension and the Rear WC Extension can and should be treated as separate structures
  - (2) planning permission should have been granted on the merits for the Rear Stair Tower Extension, if planning permission had been applied for, and planning permission for the Rear Stair Tower was granted by the Inspector
- 4 It is now apparent that the Local Planning Authority were misled by the evidence submitted by Dr Frances Swain and Mr David Stone indicating that demolition and construction of the South East Rear Extension was commenced after 1 October 2008.
- 5 Dr Frances Swain and Mr David Stone submitted evidence supported by photographs, said to have been taken between 7 September 2008 and 13 September 2008, showing that demolition and construction of the South East Rear Extension had not started.
- 6 Further, Dr Frances Swain and Mr David Stone failed to produce a letter dated 15 September 2008 in which Dr Frances Swain complained to the Local Planning Authority that the Rear Extension had been demolished.

- 7 The evidence of Dr Frances Swain was not given to the Applicant by Dr Frances Swain, Mr David Stone, the Local Planning Authority nor was it posted on the Local Planning Authority website to be downloaded.
- 8 The following independent evidence held by the Local Planning Authority since no later than 30 September 2008 shows that demolition and construction of the Rear South East Corner Extension was commenced on 15 September 2008:
- (1) Application for a Certificate of Proposed Lawful Development No 2008/4730/P which was submitted on 30 September 2008 records that *“the proposal has been started.”*
  - (2) Letter dated 30 September 2008 and received on the same day by the Local Planning Authority enclosing *“scale 1:100 drawings of the property being constructed.”*
  - (3) Application for Building Control No 08/1/0601 validated on 1 October 2008 records a *“Commencement Date”* of *“15 September 2008”*.
  - (4) Letter dated 15 September 2008 from Dr Frances Swain complained that Rear Extension has been demolished.
- 9 The Local Planning Authority is therefore requested to re-open the Application for a Certificate of Lawful Existing Development because on a balance of probability the demolition and construction of the Rear South East Corner Extension was commenced before 1 October 2008.
- 10 The Rear South East Corner Extension complies with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 in force as at the time that construction of the South East Rear Extension was commenced before 1 October 2008 because:
- (a) The cubic content of the resulting building does not exceed the cubic content of the original dwellinghouse by more than 50 cubic metres or 10% whichever is the greater;
  - (b) The part of the building enlarged, improved or altered does not exceed in height the highest part of the roof of the original dwellinghouse;
  - (c) The part of the building enlarged, improved or altered is not nearer to any highway which bounds the curtilage of the dwellinghouse than:
    - (i) The part of the original dwellinghouse nearest to that highway, or
    - (ii) Any point 20 metres from that highwaywhichever is nearer to the highway;
  - (d) The part of the building enlarged, improved or altered is not within 2 metres of the boundary of the curtilage of the dwellinghouse *and* exceeding 4 metres in height;
  - (e) The total area of the ground covered by buildings within the curtilage does not exceed 50% of the total area of the curtilage;
  - (f) Does not consist of or include the installation, alteration or replacement of a satellite antenna;
  - (g) Does not consist of or include the erection of a building within the curtilage of a listed building; or
  - (h) Does not consist of or include an alteration to any part of the roof.