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17 February 2016

Dear Sirs

**Section 192, Town & Country Planning Act 1990  
Application for Certificate of Lawfulness of Proposed Use or Development  
Greater London House, Hampstead Road, Camden, London, NW1 7AW**

**Introduction**

We have been instructed on behalf of Lazari Investments Limited to submit an application for a Certificate of Lawfulness of Proposed Use or Development (CLPOUD) under Section 192 of the 1990 Town and Country Planning Act to confirm that the proposed works do not require planning permission.

Under the provisions of Section 192 (92) of the Town and Country Planning Act 1990, the local planning authority is required to issue a certificate if it is provided with sufficient information to demonstrate that the use or operations described in the application would be lawful. The onus of proof in relation to a CLOPUD application rests with the applicant.

Therefore, it is necessary to demonstrate that what is proposed is either not 'development' for which planning permission is required, or that it is 'permitted development' which can be carried out without the need for an express grant of planning permission.

Section 55(1) of the Town and Country Planning Act provides that 'development' for which planning permission is required **'means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material changing use of any buildings or other land'**.

Section 55(2) of the 1990 Act states that the following operations or uses of land shall not constitute development:

- (a) **the carrying out for the maintenance, improvement or other alteration of any building of works which—**
  - (i) **affect only the interior of the building, or**
  - (ii) **do not materially affect the external appearance of the building.**

## Background

The building is fully occupied and is used for Use Class B1 office. The existing site comprises basement, lower ground (inner courtyard level), upper ground and 1st to 4th floors with a 1960s extension adding 5th and 6th floors to the rear wing. The ground floor of the atrium/lightwell is used for car parking which is ancillary to the Class B1 office use. The atrium/lightwell cannot be seen from surrounding streets or buildings.

The proposed infill works are works for the improvement or other alteration of the building on the site. The infill works being within an open air atrium/lightwell will be exterior works. As the infill works will not be visible above the roof line of the existing building they will not materially affect the external appearance of the building.

The change to the external appearance of the building by the infill works will be seen only from a very limited number of enclosed vantage points within the atrium/light well itself. There are no other vantage points surrounding the site from which the change will be visible, thus complying with Section 55 (2) (a) (ii).

The open air atrium/light well is currently used for parking vehicles and for the delivery and servicing of the building; this use is ancillary to the office use (Use Class B1) of the existing building. Accordingly the infill works will not constitute a material change of use.

In light of the reasons above the proposed infill works do not constitute "development" for the purpose of the 1990 Act and do not require planning permission.

On that basis a Certificate of Lawfulness for a Proposed Use or Development should be granted.

## Application Documentation


This application has been submitted via the Planning Portal reference PP-04838855 and comprises the following documentation:

1. This covering letter
2. Completed Certificate of Lawfulness for the Proposed Use and Development;
3. Site Location Plan
4. Drawing pack prepared by Forme UK Interior Architecture
5. Advice note prepared by Herbert Smith Freehills dated 16 February 2016

A cheque for £9240 made payable to the London Borough of Camden has been sent under separate cover.

We trust that this application provides sufficient information for the issue of a Certificate of Lawfulness and look forward to receiving confirmation and validation in due course. Should you have any queries regarding this application, please do not hesitate to contact Natalie Davies at the above office.

Yours faithfully



**Gerald Eve LLP**

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