

LDC (Proposed) Report		Application number	2016/0490/P
Officer		Expiry date	
John Diver		24/03/2016	
Application Address		Authorised Officer Signature	
3 Hay Mews Haverstock Hill London NW3 2BG			
Conservation Area		Article 4	
Parkhill		N/A	
Proposal			
Proposed new windows and doors to rear elevation			
Recommendation:		Grant	

1. Introduction:

This lawful development certificate is to determine whether the proposed development is 'permitted development' and hence can go ahead without the specific grant of planning permission from the local planning authority.

The scheme can only be assessed against the relevant planning legislation which is the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England) Order 2015 ("GPDO").

An assessment of its planning merits as to its acceptability under current policies is therefore not relevant or possible here, as it is purely a legal determination.

2. Listed Status and further requirements

The application property appears within the Council's register of statutory listed buildings. Although the application property is a relatively modern addition, it falls within the curtilage of and is adjoining no.94 Haverstock Hill (formally The Load of Hay Tavern) which is Grade II listed.

Although the listing is principally related to the public house itself, the Historic England description for the property makes specific mention of the "C20 extension at north end". The planning history for the site confirms that the cottages to the North of the site were development within the curtilage of the listed building. The planning statement submitted alongside this certificate argues that the property is in fact outside this curtilage and therefore not listed however this was not found to be true.

Whilst this certificate assessed the requirement to apply for planning permission in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (“GPDO”); the listed status of the property means that it is additionally subjected to a separate legislative regime – principally the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

It should therefore be reiterated that the below assessment would in no way remove the requirement to apply for listed building consent prior to the commencement of any works to the listed property.

3. Assessment:

It is considered that the scheme as shown on the proposed plans is lawful and permitted development as assessed against Schedule 2 Part 1 Class A of the GPDO. In the section below is Class A in full to denote how the proposal accords with each section:

Class A The enlargement, improvement or other alteration of a dwellinghouse

If yes to any of the questions below the proposal is not permitted development		Yes/no
A.1 (a)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	NO
A.1 (b)	Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	NO
A.1 (c)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse?	NO
A.1 (d)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse?	NO
A.1 (e)	Will the enlarged part of the dwellinghouse have a single storey and (i) 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) exceed 4 metres in height?	NO
A.1 (f)	Will the enlarged part of the dwellinghouse have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse?	NO
A.1 (g)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	NO
A.1 (h)	Will the enlarged part of the dwellinghouse extend beyond a wall	NO

	forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (ii) have a width greater than half the width of the original dwellinghouse?	
A.1(i)	Would it would consist of or include either (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	NO
Is the property in a conservation area? If yes to any of the questions below then the proposal is not permitted development		
A.2(a)	Would it 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?	NO
A.2(b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	NO
A.2(c)	Would the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse?	NO
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	YES
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	N/A
A.3(c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/A
<p>4. Recommendation</p> <p>Grant lawful development certificate.</p>		