

LDC Report	19/04/2016
Officer	Application Number
Ian Gracie	2016/1003/P
Application Address	Recommendation
10 Pilgrim's Lane London NW3 1SL	Grant Certificate of Lawfulness (Existing)
1st Signature	2nd Signature (if refusal)
Proposal	
Erection of an external staircase and door from the rear garden to the existing garage.	
Assessment	
<p>The application site is located on the east side of Pilgrim's Lane which comprises a two-storey white rendered single dwelling house.</p> <p>The building is not listed but is located within the Hampstead Conservation Area.</p> <p>The application seeks to demonstrate that the staircase and door to the rear of the property leading from the garage to the garden is lawful. The applicant is required to demonstrate that, on the balance of probability, the roof terrace has been in situ for a period of 4 or more years.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Planning Statement prepared by Detailed Planning Ltd dated February 2016; • Email from Zac Miller to Oliver Froment dated 02 October 2007 with attached invoice dated 5th June 2006; • Invoice from the Wooden Hill Company dated 25 July 2007. <p>The applicant has also submitted the following plans:</p> <ul style="list-style-type: none"> • Dwg no. 1078OF_LDC: SH1 – Location Plan and As Before Block Plan; • Dwg no. 1078OF_LDC: SH2 – Floor Plan as Before; • Dwg no. 1078OF_LDC: SH3 – Elevation as Before; • Dwg no. 1078OF_LDC: SH4 – As Current Block Plan; • Dwg no. 1078OF_LDC: SH5 – Current Floor Plan; and • Dwg no. 1078OF_LDC: SH6 – Current Elevations. 	

Council's Evidence

Relevant Planning History

2007/2349/P – Installation of a spiral staircase at the rear of the single dwellinghouse to provide access between first floor to ground floor levels. – Granted 6th July 2007.

An enforcement investigation is currently ongoing with respect to the erection of a staircase to the rear of the property.

Assessment

Paragraph 007 of the Planning Practice Guidance (Lawful Development Certificates) advises that the applicant is responsible for providing sufficient information to support an application and if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

From the evidence provided it would appear that the rear staircase and door have been in situ for in excess of 4 years. Council aerial photographs dating back to 2007 appear to show the structure was not on site in 2007 but by 2013, the staircase is present on site. The Council does not have any evidence to contradict or undermine the applicant's version of events. The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the staircase and door to the rear of the property has been in situ for a period of more than 4 years, as required by the Act.

Recommendation: Approve