

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2016/1805/P
<b>Officer</b>		<b>Expiry date</b>	
Tony Young		09/06/2016	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
St Michael's Church Camden Road London NW1 9LQ			
<b>Conservation Area</b>		<b>Article 4</b>	
No		Article 4 direction area (B1a to C3)	
<b>Proposal</b>			
Fixing of a folding aluminium ladder externally to the rear of the building in order to provide access to an existing high-level door to the roof void for maintenance purposes, involving moving an existing shed 600mm to the south-west.			
<b>Recommendation:</b>		Issue Certificate	
<p><b>Introduction</b></p> <p>The application site is a grade II* listed church and is situated on the north side of Camden Road, to the immediate west of the distinctive Nicholas Grimshaw designed Sainsburys supermarket.</p> <p>The site falls just to the east of the Camden Town Conservation Area and is within an Archaeological Priority Area.</p> <p>The application is made under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for the fixing of a folding aluminium ladder externally to the rear of the building in order to provide access to an existing high-level door to the roof void for maintenance purposes, involving moving an existing shed approximately 600mm to the south-west. The applicant seeks to demonstrate that the proposed works do not constitute development as defined by Section 55 of the Town and Country Planning Act (1990).</p> <p><b>Applicant's Evidence</b></p> <p>Site location plan; 349.01.01; Email from Mr Nicholas Weedon (agent) dated 14/04/2016; Manufacturer's specification document (Saffold Foldout Ladder); Pre-planning advice from London Borough of Camden dated 22/12/2015; supporting photographs</p> <p><b>Council's Evidence</b></p> <p>The church dates from 1880, is grade II* listed, and was designed in Gothic Revival style by Bodley and Garner. The church is on the English Heritage buildings at risk register due to its poor, but occupied state.</p> <p><b>Assessment</b></p>			

Firstly, although the building is listed, a listed building consent application does not accompany this application and is not required, as the site is a Church of England place of worship and therefore benefits from an ecclesiastical exemption in this regard.

Secondly, with regard to applications for a Certificate of Lawfulness, the Secretary of State has advised local planning authorities that the burden of proof is firmly with the applicant (Planning Practise Guidance para. 006), Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the “balance of probability”, and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant’s version of events, there is no good reason to refuse the application provided the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

With regard to the external alterations involving the fixing of a folding aluminium ladder and associated moving of a shed, Section 55 (2) of the Town and Country Planning Act 1990, ‘Meaning of “*development*” and “*new development*”’, states that alterations that ‘*do not materially affect the external appearance of the building*’ do not constitute development.

The proposed ladder is a Scaffold model which remains in a closed state until released at the time of use when it is unlocked and folds out to provide a means of access for maintenance purposes to an existing high-level door to the roof void in the north-west facing side of the church. The ladder is designed to be fixed discretely to the wall in a closed state, and as such, would not be widely visible. The ladder would be black in colour and positioned towards the rear of the church building, and would have a modest, low-profile appearance quite similar to nearby rainwater pipes, and would not visually detract from the external appearance of the church building. An existing shed would be moved by approximately 600mm to allow for the ladder to rise up from ground floor level to the roof void.

While the proposed alterations are external, it is considered that the alterations do not materially affect the external appearance of the church, and as such, do not constitute development and for which planning permission is not required.

**RECOMMENDATION: Grant certificate of lawfulness**