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Development Management
 Regeneration and Planning
 London Borough of Camden
 Judd Street
 London WC1H 8ND

**Application for a Lawful Development Certificate for an Existing use or operation
 or activity including those in breach of a planning condition.**

**Town and Country Planning Act 1990: Section 191 as amended by section 10 of
 the Planning and Compensation Act 1991.**

Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
 If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

any name

Street address:

Town/City:

County:

Country:

Postcode:

Country Code: National Number: Extension Number:

Telephone number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

No Agent details were submitted for this application

3. Site Address Details

Postal address of the site (including full postcode where available)

House: Suffix:

House name:

Street address:

Town/City:

County:

Postcode:

Description:

Description of location or a grid reference (must be completed if postcode is not known):

Easting:

Northing:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? Yes No

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land: a) Owner b) Lessee c) Occupier d) Other

6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

- An existing use
- An existing operation
- An existing use, operation or activity in breach of a condition

8. Description of Use, Operation or Activity

Describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates:

Construction of a 3 Storey Rear South East Corner Extension to extend the Family Room on the Lower Ground Floor and the Reception Room on the Raised Ground Floor and to create a Bathroom on the First Floor.

9. Grounds For Application For A Lawful Development Certificate

Under what grounds is the certificate being sought:

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

The Rear South East Corner Extension has become permitted development within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as a result of the grant of Planning Permission for the adjacent Rear Stair Tower by the Inspector's Decision Letter dated 19 December 2014.

If the certificate is sought for a use, operation, or activity in breach of a condition or limitation, please specify the condition or limitation that has not been complied with:

Reference number: Condition number: Date:

Please state why a Lawful Development Certificate should be granted:

See attached Application.

10. Information in Support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed?

In the case of an existing use or activity in breach of conditions has there been any interruption?

Yes No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought:

Yes No

10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Does the application for a certificate relate to a residential use where the number of residential units has changed?

Yes No

11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- The agent
- The applicant
- Other person

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date:

16/09/2015

Warning:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

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

- 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.



15 Gayton Crescent

Planning <DCMail@camden.gov.uk>

5 October 2015 at 15:56

To: "wendy.galwaycooper@gmail.com" <wendy.galwaycooper@gmail.com>

Cc: "Bakall, Gary" <Gary.Bakall@camden.gov.uk>, "Beaumont, Elizabeth" <Elizabeth.Beaumont@camden.gov.uk>, Planning <DCMail@camden.gov.uk>

Dear Mrs Galway-Cooper,

I refer to your recent application for a Certificate of Lawfulness submitted on the 16th September 2015 (Ref: 2015/5288/NEW) for the rear south-eastern tower at the above site.

Under section 70A of the Town & Country Planning act 19090 the local planning authority can decline to determine an application if it considers there has been no significant change in the relevant considerations since the relevant event; and (4B) the Secretary of State has dismissed an appeal against the refusal of a similar scheme deemed to have been made by section 177(5) within the last two years. In this instance no new evidence has been submitted since the similar application (Ref: 2013/7388/P) for 'Erection of four-storey rear extension (south-eastern corner of building);' was refused on 4th March 2014. The enforcement notice issued against this extension on the 5th March 2014 was appealed to the Secretary of State where the appeal was dismissed with relation to the south-east corner extension on the 19th December 2014. The Council therefore declines to determine this application.

Regards

Matthew

Matthew Dempsey

Planning Technician Supervisor

&

HS2 Project Officer, Core Team

020 7 974 4444

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