

**Appendix 4: 2013/7485**



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Mrs Wendy Galway-Cooper  
15 Gayton Crescent  
London  
NW3 1TT

Application Ref: **2013/7485/P**  
Please ask for: **Neil Quinn**  
Telephone: 020 7974 **1908**

4 March 2014

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990, Section 191 and 192  
Town and Country Planning (Development Management Procedure) Order 2010

**Certificate of Lawfulness (Existing) Refused and Warning of Enforcement Action to be Taken**

Address:  
**15 Gayton Crescent  
London  
NW3 1TT**

Proposal:

Construction of rear wc extension.

Drawing Nos: Site location plan; 01 'Front elevation', 02 'North elevation', 03 'Rear elevation', 04 'South elevation', 05 'Lower ground floor plan', 06 'Upper ground floor plan', 07 'First, second and third floor plan' all as of 30th June 2008; 08 'Front elevation', 09 'North elevation', 10 'Rear elevation', 11 'South elevation', 12 'Lower ground floor plan', 13 'Upper ground floor plan', 14 'First, second and third floor plan' all as of 30th September 2008; 'Affidavit signed by Ms W Galway-Cooper on 2nd September 2008 (including invoices from RK Builders and Decorators Ltd dated 8th September, 15th September, 19th September and 26th September 2008; and various bank statements from Ms W Galway-Cooper and Mr P Galway-Cooper dated 29th August, 16th September, 30th September and 16th October 2008)

The Council has considered your application and decided to **refuse** a certificate of lawfulness for the following reason:



Reason(s) for Refusal

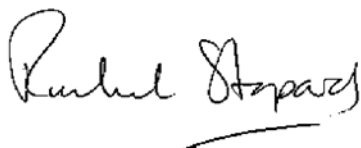
- 1 On the balance of probability, the described development is not lawful development, as defined by section 191 of the Town and Country Planning Act 1990 (as amended).

Informative(s):

1

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Rachel Stopard  
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications online. Just go to [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning).

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our [online planning applicants' survey](#). We will use the information you give us to monitor and improve our services.

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<b>Delegated Report</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>29/01/2014</b>
	N/A	<b>Consultation Expiry Date:</b>	<b>21/01/2014</b>
<b>Officer</b>		<b>Application Number(s)</b>	
Neil Quinn		2013/7485/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
15 Gayton Crescent London NW3 1TT		Refer to decision notice	
<b>Proposal(s)</b>			
Construction of single storey rear WC extension at lower ground floor level (north-eastern corner of building).			
<b>Recommendation(s):</b>	Refuse certificate		
<b>Application Type:</b>	Certificate of Lawfulness (Existing)		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>28</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>Site notice: 13/12/2013 to 03/01/2014  Press notice: 19/12/2013 to 09/01/2014</p> <p>A detailed submission was received on 16<sup>th</sup> January 2014, signed by a total of <u>19</u> occupiers of the following properties:</p> <ul style="list-style-type: none"> <li>- 5 Gayton Crescent (x2);</li> <li>- 17 Gayton Crescent (x2);</li> <li>- 18 Gayton Crescent (x2);</li> <li>- 19 Gayton Crescent;</li> <li>- 22 Gayton Crescent (x2);</li> <li>- 37 Gayton Road (x2);</li> <li>- 34 Willow Road;</li> <li>- 37 Willow Road (x2);</li> <li>- 38 Willow Road;</li> <li>- 40 Willow Road (x2);</li> <li>- 41 Willow Road (x2)</li> </ul> <p>This 54-page document (plus annexes) discusses at length the reasons why the certificates should not be granted for the three applications. To summarise, the main points raised are:</p> <ol style="list-style-type: none"> <li>1. That the evidence submitted by the applicant to support the grounds for applying for the certificate fail to meet the requirements set out in DOE Circular 10/97, Enforcing Planning Control;</li> <li>2. The works amount to one extension, and therefore should be dealt with as one single application rather than three separate ones;</li> <li>3. The photographic evidence obtained at various points over the previous four years, as well as drawings submitted in connection with various planning applications over this period, demonstrate that the works: <ol style="list-style-type: none"> <li>a) Do not constitute permitted development under either the 1995 GPDO, or the amendments made on 1st October 2008;</li> <li>b) Were not 'substantially completed' before 1<sup>st</sup> October 2008, and cannot benefit from the four year rule since the applicants actively covered up works which were carried out.</li> </ol> </li> </ol> <p><i>Officer comments: The contents of this submission are discussed in depth throughout the main report, but in particular in sections 4 and 5.</i></p> <p><i>The applicant has submitted a six-page reply in reply to the points raised in this document. The document refutes the claims made by the neighbours in the</i></p>					

following ways:

- *It is up to the applicant to determine whether to make one combined application, or to make separate applications covering different elements;*
- *The neighbours' reference to the Sage v Secretary of State for the Environment in connection with these proposals is flawed, since the decision was made on the basis of an unfinished dwelling house (i.e. building operations were not complete on the entire property, and therefore it was unfit for habitation);*
- *The neighbours' assertion that the staircase was removed is factually incorrect, and made without entering the property or without any direct personal knowledge about the staircase;*
- *The neighbours' assertion with regard to council tax records indicating the dwelling as uninhabitable until September 2008 is irrelevant in terms of assessing whether it was a 'viable' dwellinghouse at this time;*
- *The photograph taken on 16<sup>th</sup> October 2008 shows that the construction of the WC rear extension was carried out separately from the staircase extension and therefore can and should be considered as a separate structure;*
- *The evidence submitted as part of the affidavit demonstrates that works to the rear extension began before 30 September 2008, and therefore meets the requirements of the GPDO 1995.*

Separate submissions were also received from the following neighbouring properties:

#### **5 Gayton Crescent**

- This is a conservation area and what was a charming old Hampstead home has turned into a brash salmon-coloured house. The council surely ought to uphold the many objections it has received and not let this person get away with illegal developments simply because he is persistent.

*Officer comment: The application for a certificate of lawfulness is assessed on legal grounds; the planning merits of the case cannot be considered.*

#### **37 Gayton Road**

- Unless the Council takes action to enforce its own planning regulations and guidelines the actions of Mr and Mrs Galway Cooper act as an egregious example of how to build what you want as Camden seems unable to take any meaningful action. Without action by Camden can any confidence be placed in the concept and reality of a Conservation Area?
- Extensions contravene a number of planning guidelines for CA and particularly detrimental to residents of Willow Cottages. Enforcement action should be taken to restore building to its previous external appearance.
- Over the past 5 years the footprint of no. 15 Gayton Crescent has been substantially increased, without planning permission and, despite repeated warnings from neighbours, without any really robust intervention from Camden.

Officer comment: The application for a certificate of lawfulness is assessed on legal grounds; the planning merits of the case cannot be considered.

**37 Willow Road**

- This work has been carried out under the cover of scaffolding and plastic sheeting thus hiding from us the monstrously disproportionate and illegal four floor-extension, which has now been revealed.
- It is time the council took appropriate action, by rejecting the three applications, and ordering demolition and re-instatement to return the rear of the property to the state it was in before the unapproved works began.

Officer comment: The application for a certificate of lawfulness is assessed on legal grounds; the planning merits of the case cannot be considered.

**41 Willow Road**

The occupier of No. 41 has submitted a 5-page objection which provides a useful background to the history of the site, including photographs taken between 2008 and 2013. These are also included in the main 54-page submission outlined above.

<p><b>CAAC/Local groups comments:</b></p>	<p><b><u>Heath and Hampstead Society:</u></b></p> <p><b>Objection to all three applications</b> on the following grounds:</p> <ul style="list-style-type: none"> <li>- Claim the building, which positively contributes to the character of the Conservation Area, has been “systematically vandalised” by a series of badly-designed alterations, accompanied by the unauthorised creation of an on-site car parking space, the removal of boundary railings, and the destruction of trees. Most of the work was carried out behind very high site screen fencing, designed to mask what was happening. The views of neighbours have been ignored.</li> <li>- No Design /Access Statement is presented, and no justification for the history of the past years offered. If the applicants consider that the work concerned was Permitted Development why were the 2 Applications made?</li> <li>- Call for a very detailed, brick-by-brick, word-by-word survey and investigation to be made, refuting the applicants' contentions, leading to refusal, and to enforcement by demolition and reinstatement.</li> </ul> <p><b><u>Hampstead CAAC:</u></b></p> <ul style="list-style-type: none"> <li>- <b>Objection to all three applications.</b> Potential for over-development – limit of extension to this property. Extensions would also be visible from Willow Road.</li> </ul> <p><b><u>Gayton Residents Association:</u></b></p> <p><b>Objection to all three applications</b> on the following grounds:</p> <p>The current application represents a series of post hoc applications for building work that has already been undertaken without the approval of Camden Planning over a number of years.</p> <p>Without approval from Camden Planning, the developers have:</p> <ol style="list-style-type: none"> <li>1. felled a mature holly tree protected by a TPO since 1957;</li> <li>2. demolished two lean-tos at the rear of the building and erected an unapproved four storey rear extension abutting the boundary wall with Grade II listed Willow Cottages;</li> <li>3. removed heritage railings at the front and side of the property;</li> <li>4. formed a cross-over on the corner of Gayton Crescent and Willow Road;</li> <li>5. created a high level (3rd floor) balcony.</li> <li>6. Furthermore, they may also be undertaking unapproved building work in the garden space between #15 and #14 Gayton Crescent.</li> </ol> <p>These developments have been made:</p> <ol style="list-style-type: none"> <li>1. without permission from Camden Planning</li> <li>2. without fulfilling statutory Building Regulations</li> <li>3. at the expense of the amenity of neighbours in the context of excessive proximity, overlooking and overdevelopment</li> </ol>
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4. with increased risk to pedestrians from the unapproved cross-over

5. at the expense of the Conservation Area, with the loss of open space, mature trees and greenery in this highly developed area.

The developers have undertaken substantial works without permission from Camden Planning which creates a serious and worrying precedent which must not be permitted. The developments have adversely affected the Conservation Area and the amenity of residents. GRA request that applications are refused and re-instatement pursued.

**Pilgrim's to Willoughby Residents Association:**

**Objection to all three applications** on following grounds:

- Evidence gathered by neighbours clearly shows that the work was not substantially completed by 30.09.2008, as claimed by the applicant.
- If it were substantially completed then why was the work kept under scaffolding the entire time, much to the detriment of the appearance of this prominent corner? It seems it was done for no other reason, than concealment.
- The development falls well within the 2m boundary of Willow Cottages and well above the 4m height limit.
- The satellite dish, for which no retrospective planning permission is sought, is new.

We very much fear for the future of the Conservation Area if developers are permitted to so obviously flaunt our planning laws and hope that immediate action is taken to undo this damage.



## Site Description

A detached basement 3-storey building located on the south side of Gayton Crescent at the junction with Willow Road. The host building is surrounded by garden amenity space, the largest located on the south side adjacent to no.14 Gayton Crescent and no.41 Willow Road. The building has lightwells at the front in common with other dwelling houses on the south side of Gayton Crescent. The building's brick surface has white painted finish similar to others in the locality. The building is not listed but is in the Hampstead Conservation Area and the buildings numbers 1-15 are identified in the Hampstead Conservation Area Statement as making a positive contribution to the character and appearance of the Hampstead Conservation Area.

To its east lies nos.33-41 Willow Cottages a detached terrace of 2-storey houses with painted and rendered finish. These buildings are listed.

## Relevant History

### 1. 2013/3031/P

Application **refused on 4<sup>th</sup> June 2013 by the Development Control Committee (DCC)** for the erection of a two storey side extension on south side, including erection of a new bay window plus new access with balcony and stone coping on north side; and erection of single-storey lean-to extension at lower ground level rear to an existing dwelling house (Class C3). The reason for the refusal was:

- *The proposed extensions, by virtue of their scale, location and design would result in the loss of the visual gap between the property and No 14 Gayton Crescent, harmful to the symmetry and character of the host building, the character and appearance of the Hampstead Conservation Area, and the setting of the grade II listed buildings to the rear in Willow Road, contrary to policies CS14 (promoting high quality places and conserving our heritage), DP24 (securing high quality design) and DP25 (conserving Camden's heritage) of the London Borough of Camden Core Strategy and Local Development Framework Development Policies.*

An appeal was lodged against this decision and is currently being considered by the Planning Inspectorate.

### 2. 2012/0529/P

Application **withdrawn in April 2012** for the erection of a two storey side extension, a single storey front extension at lower ground level, and a new bay window with a balcony above to an existing dwelling house (Class C3).

### 3. 2008/4730/P

Certificate of Lawfulness (Proposed) **refused on 24<sup>th</sup> December 2008** for the erection of a basement, ground and first floor rear extension to single dwellinghouse (Class C3) for the following reasons:

- *The proposed rear extension would be more than one storey and would be within seven metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse. It therefore fails to comply with Class A.1 (f) (ii) of the Town and Country Planning (General Permitted Development Order 1995 as amended by Amendment) (No.2) (England) Order 2008.*
- *The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse. It therefore fails to comply with Class A.2 (c) of the Town and Country Planning (General Permitted Development Order 1995 as amended by (Amendment) (No.2) (England) Order 2008.*

### 4. 2008/3188/P

Certificate of Lawfulness (Existing) **granted on 19<sup>th</sup> October 2008** for the erection of two single storey ground floor level extensions to the rear of the single dwellinghouse.

### 5. 2006/2929/P

Application **granted on 4<sup>th</sup> September 2006** for the change of use of basement of residential dwelling (Class C3) to nursery school (Class D1) and associated minor works.

### 6. E7/11/30/15010

Application **refused on 19<sup>th</sup> February 1973** for the erection of a two-storey side extension at No. 15 Gayton Crescent, N.W.3, and the provision of a vehicular means of access to the highway.

**7. E7/11/30/13331**

Application **refused on 9<sup>th</sup> June 1972** for the erection of a two storey side extension at No 15 Gayton Crescent N.W.3. and means of access to the highway.

**Relevant policies**

Not applicable, although reference made to guidance contained within Annex 8 of Circular 10/97: 'Lawfulness and the Lawful Development Certificate'.

**Assessment**

**1.0 Proposal**

- 1.1 The application is made on the basis that the existing WC extension (referred to as extension A) is lawful, meeting the relevant tests set out in section 191 of the Town and Country Planning Act 1990, for the following reasons:
- The extension would constitute permitted development as set out under Schedule 2, Class A, Part 1 of the General Permitted Development Order (GPDO) 1995 (2008);
  - The extension was substantially completed on 30<sup>th</sup> June 2009, i.e. more than four years ago, and is therefore immune from enforcement action.
- 1.2 The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12).
- 1.3 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.
- 1.4 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.
- 1.5 Although the lawfulness of this WC extension (extension A), being the subject of this specific certificate of lawfulness application, and this it is being assessed on its own merits, it is considered to be necessary to be viewed in conjunction with the two other certificate of lawfulness applications which have been submitted, and are currently being considered:
- 2013/7388/P: Erection of four-storey rear extension (south-eastern corner of property)(extension C)
  - 2013/7395/P: Erection of rear four-storey staircase extension (extension B).

**2.0 Evidence submitted by the applicant**

- 2.1 The applicant has submitted a 25 page signed affidavit (signed on 2<sup>nd</sup> September 2009) setting out the grounds on which a certificate should be issued. The key statements made within the document are outlined below.
- 2.2 The applicant purchased the property in February 2007, but let the property to a builder and decorator, Mr Jim Pardoe, as there were insufficient bathroom facilities at the time.
- 2.3 The applicant paid the builder of the rear extensions (extensions B & C), Mr Jim Pardoe, a sum of £10,000 at the beginning of August 2008 to start works;
- 2.4 The applicant believed the building works to have been substantially completed by 30 September 2008 (copies of invoices from RK Builders and corresponding bank statements have been included in the document);
- 2.5 In early 2009, a WC extension (extension A) was built at the rear of the property on the lower ground floor level. It is believed that this extension would individually constitute permitted development as set out under Schedule 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended in Oct 2008) on the basis that it does not extend beyond the rear wall of the original dwelling by

more than 4 metres, nor does it exceed 4 metres in height.

### **3.0 Analysis**

3.1 Schedule 2, Class 1, Part A of the 1995 GPDO (2008) states the following:

#### ***Permitted development***

##### ***A. The enlargement, improvement or other alteration of a dwellinghouse.***

###### ***Development not permitted***

*A.1 Development is not permitted by Class A if—*

*(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*

*(b) 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;*

*(c) 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;*

*(d) the enlarged part of the dwellinghouse would extend beyond a wall which—*

*(i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;*

*(e) the enlarged part of the dwellinghouse would 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;*

*(f) the enlarged part of the dwellinghouse would 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;*

*(g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*

*(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—*

*(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; or*

*(i) it would consist of or include— 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.*

*A.2 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—*

*(a) it would 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;*

*(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*

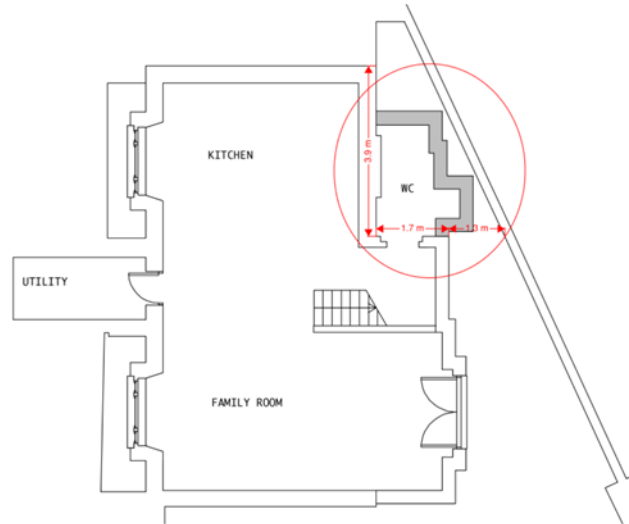
*(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.*

*Conditions*

A.3 Development is permitted by Class A subject to the following conditions—  
(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;  
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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;  
and  
(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

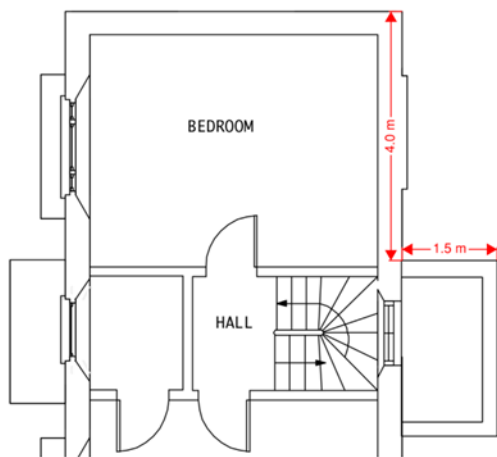
3.2 Going through each of the criteria, the rear WC extension (ext A) **could** constitute permitted development under the 1995 GPDO (2008). It has been confirmed by a site visit that although the rear extension would be within 2 metres of the boundary of the property's curtilage, the eaves height of this element in isolation would not exceed 3 metres.

3.3 The single storey WC extension (ext A) is shown on plan dated 30<sup>th</sup> June 2009:

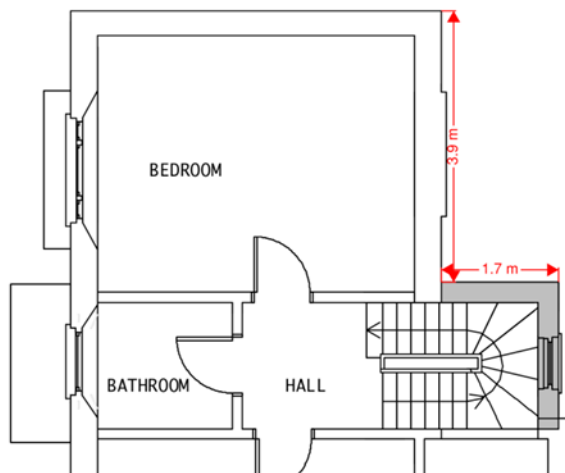


3.4 The extension (ext A) is shown on the drawings abutting the staircase structure (ext B) at 1.7m deep, and a distance of 1.3m from the boundary (in a straight line). However a site visit has confirmed that the distance from extension B to the boundary is in fact 1.47m.

3.5 The previous staircase extension was shown to have been in place from 1906 in the plans relating to the grant of a lawful development certificate (existing) on 28<sup>th</sup> October 2008, . However the staircase part of those rear extensions was only 1.5m deep from the main rear wall of the house, as shown on plans dated June 2008:



3.6 The current staircase extension (extension B) is 1.7m deep:



3.7 Therefore the single storey lower ground floor WC extension (A), whilst it would be permitted development if it were the only 'enlarged part' attached to the 'original' dwellinghouse, was proposed to be, and is now attached to a four-storey new staircase extension (ext B).

3.8 Looking at the most recent technical guidance issued by the DCLG in October 2013 and Inspectors decisions on the subject, this has established that when a proposed enlargement is attached to a previous extension, the characteristics of the combined extensions need to be considered when assessing whether or not the proposed enlargement is permitted development. On this basis, although if not forming part of a wider enlargement to the original dwellinghouse, the WC extension (A) could constitute permitted development, it must be considered in context with the four-storey extension to which it is attached. This enlargement clearly falls outside the criteria of the GPDO 1995 (2008), since it would have more than one storey and be within 7 metres of the rear boundary of the dwellinghouse (i.e. it does not meet part (f)). As extension A was constructed to form part of the wider enlargement, and is integral to extension B, the characteristics of the wider enlarged combine to require that all of the enlarged part is not 'permitted development'

4 years

3.9 Setting this aside, it could still be argued that the works are lawful by virtue of being 'substantially completed' for more than four years from the date of the application (i.e. 19<sup>th</sup> November 2009). However,

photographs have also been submitted by Dr Swain – believed to have been taken on 16<sup>th</sup> August 2010 – which show scaffolding still enveloping the four-storey rear extension (C) (figures 24 and 25). A photograph taken on 25<sup>th</sup> March 2013 also shows that the railings to the balcony which have been installed to the flat roof of extension C are not yet in place. Officers are therefore unable to conclude that the applicant's stated date of substantial completion, 30<sup>th</sup> June 2009, is accurate. It should be noted that the applicant has not qualified their understanding of the phrase 'substantial completion' but the supporting affidavit states, at paragraph 9. That '*subsequently, in early 2009 a WC extension was built at the rear of the property*'. The use of the phrase '*built*' infers a degree of completion that has not been adequately supported within the current application to cause the balance of probability to fall in the applicant's favour.

3.10 Paragraph 95 of the neighbours' submission refers to previous case law in this matter [Sage v Secretary of State for the Environment (2003)], and asserts that substantial completion is linked to the point at which a dwelling becomes 'habitable'. This particular case concluded that an "uncompleted dwelling house" cannot be "substantially complete" (see para. 35 of the decision).

3.11 The application site in this case was deemed 'uninhabitable' from 15<sup>th</sup> September 2008 for council tax purposes (confirmed by Council officers by email on 30<sup>th</sup> August 2013, as referred to in para. 96). It was later removed from the rating list from 14<sup>th</sup> September 2009, after being partly demolished. It was re-registered, i.e. classified as 'inhabitable', in September 2013.

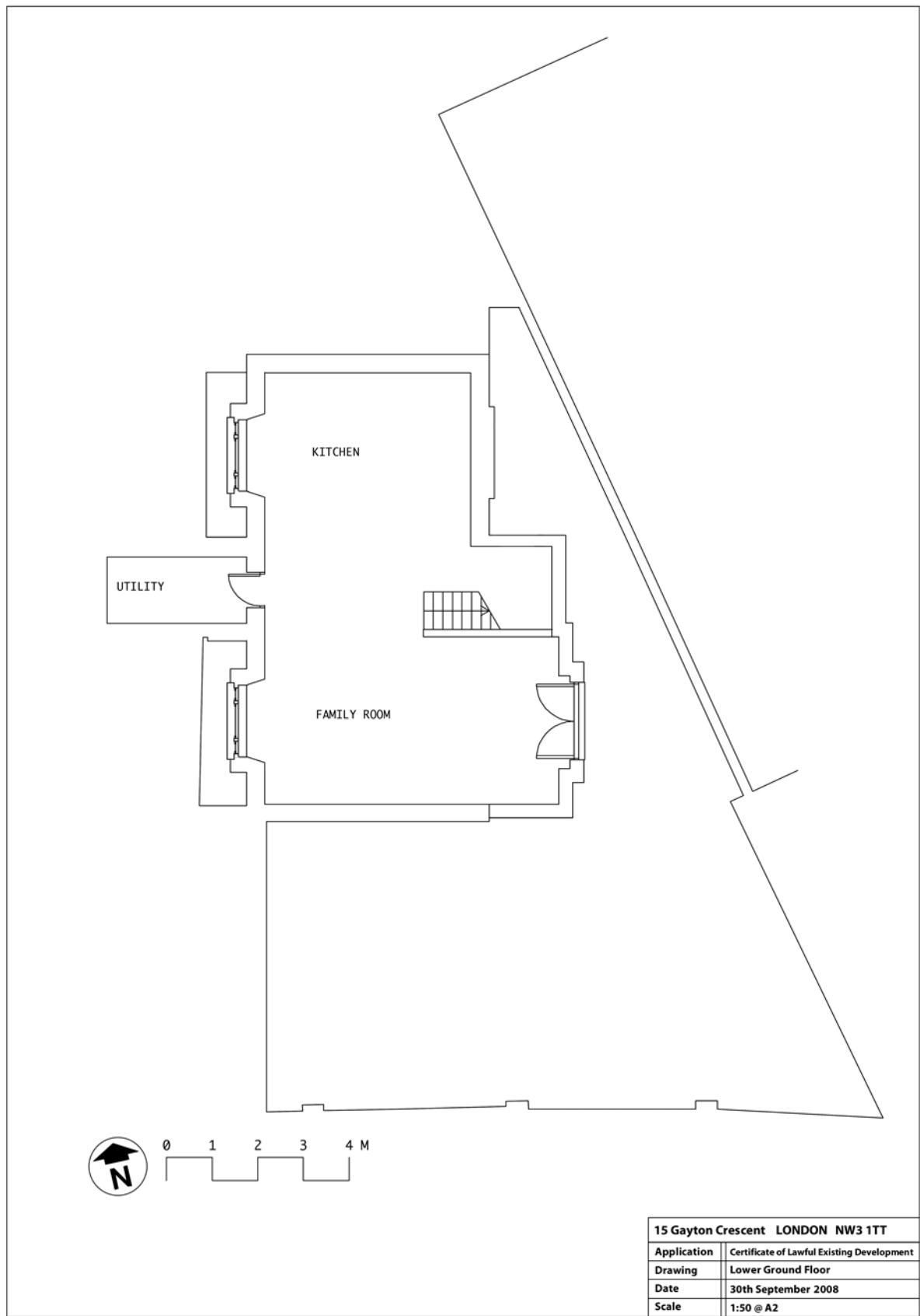
3.12 If the relevant case law is applied in this case, it would be reasonable to conclude that works were only 'substantially completed' in September 2013, and therefore the WC extension (ext A) as well as the staircase (ext B) and four-storey rear extension (C) all could not be deemed lawful under the four-year rule.

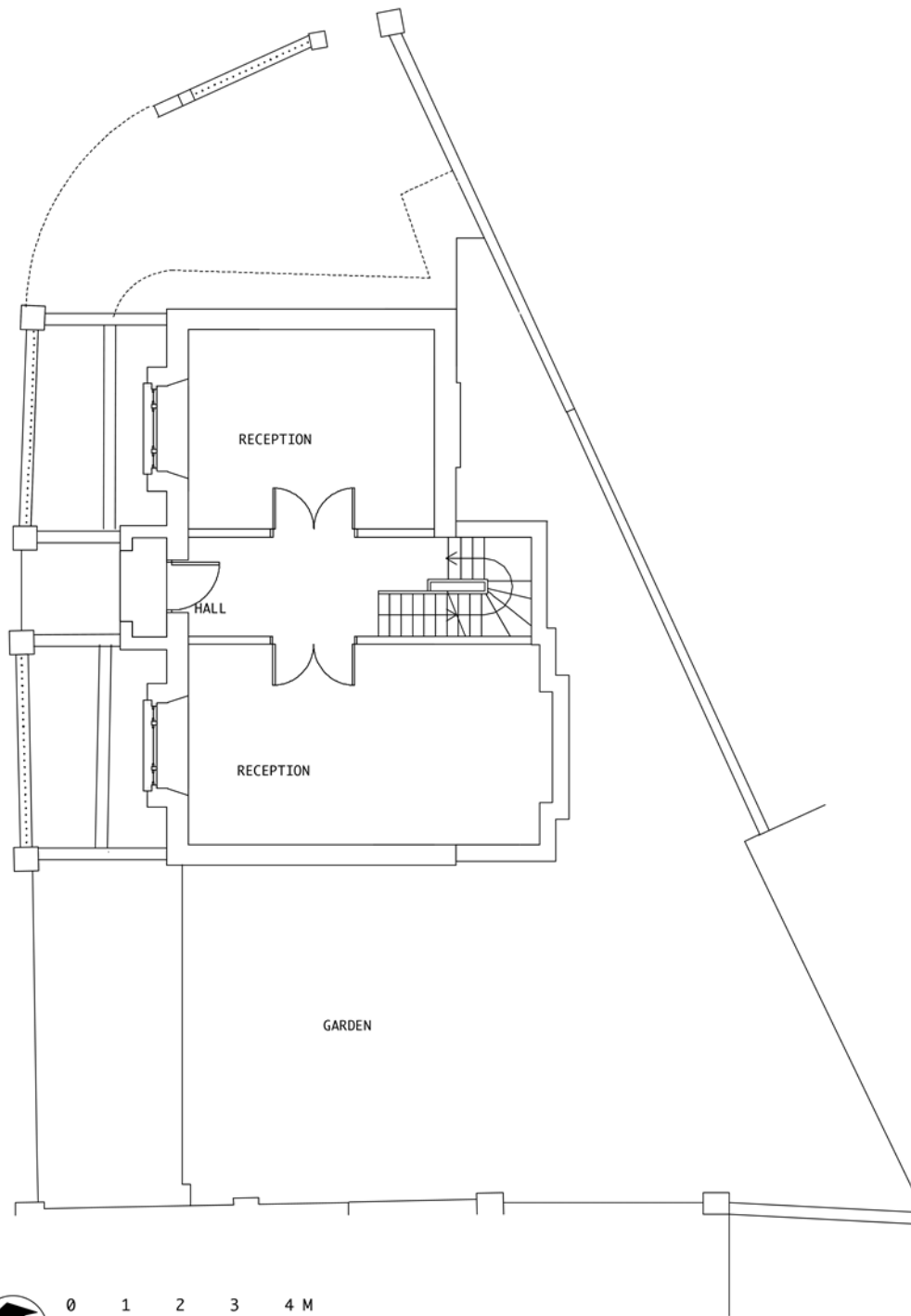
#### **4.0 Recommendation:**

**4.1 Refuse certificate and serve enforcement notice including a requirement to remove the single-storey rear WC extension (extension A)**

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**Appendix 4: Drawings 2013/7485**





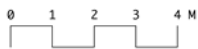
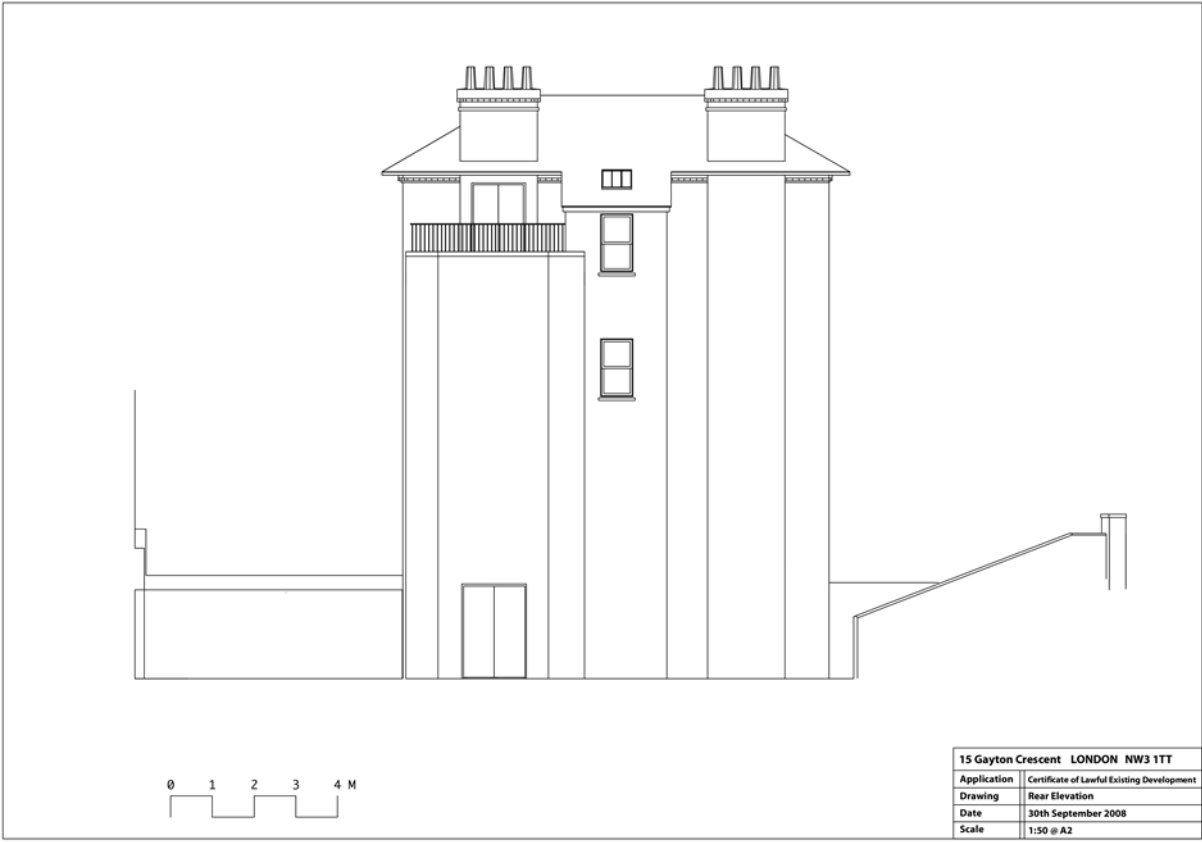
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
<b>Application</b>	Certificate of Lawful Existing Development
<b>Drawing</b>	Raised Ground Floor
<b>Date</b>	30th September 2008
<b>Scale</b>	1:50 @ A2



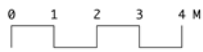
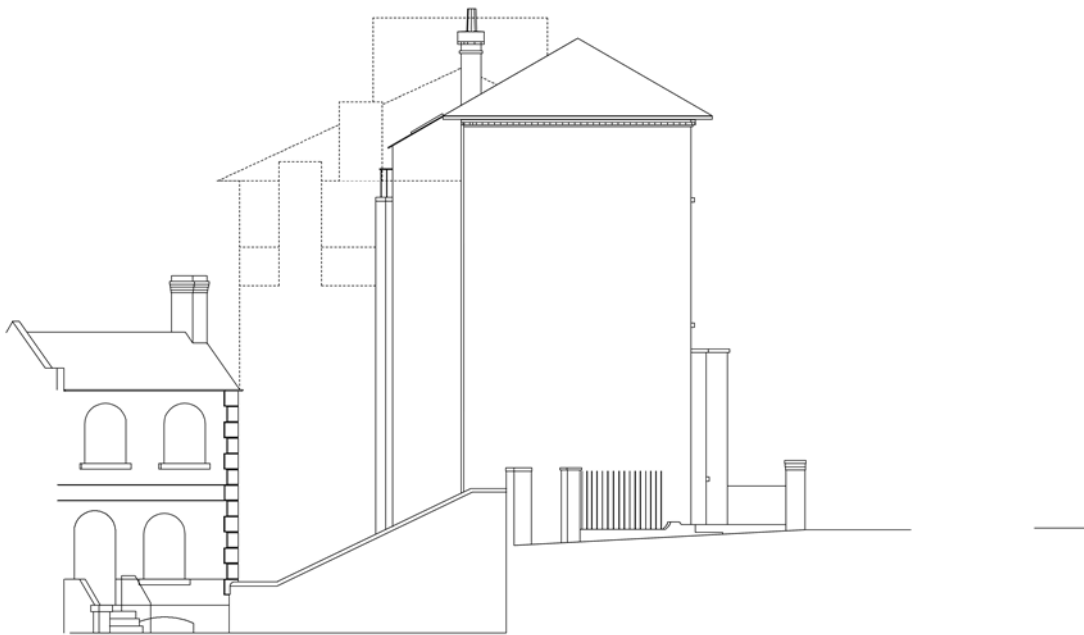
15 GAYTON CRESCENT



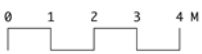
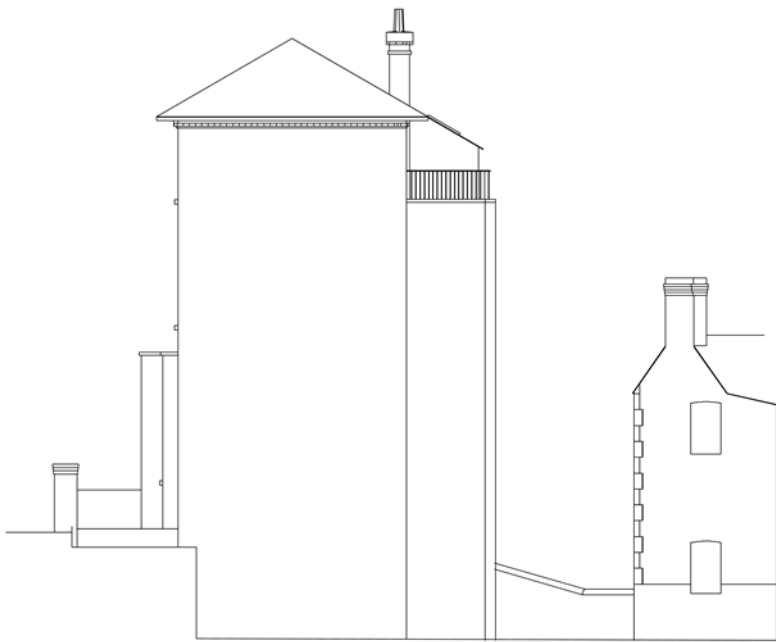
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Certificate of Lawful Existing Development
Drawing	Front Elevation
Date	30th September 2008
Scale	1:100 @ A2



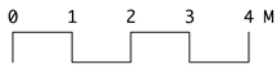
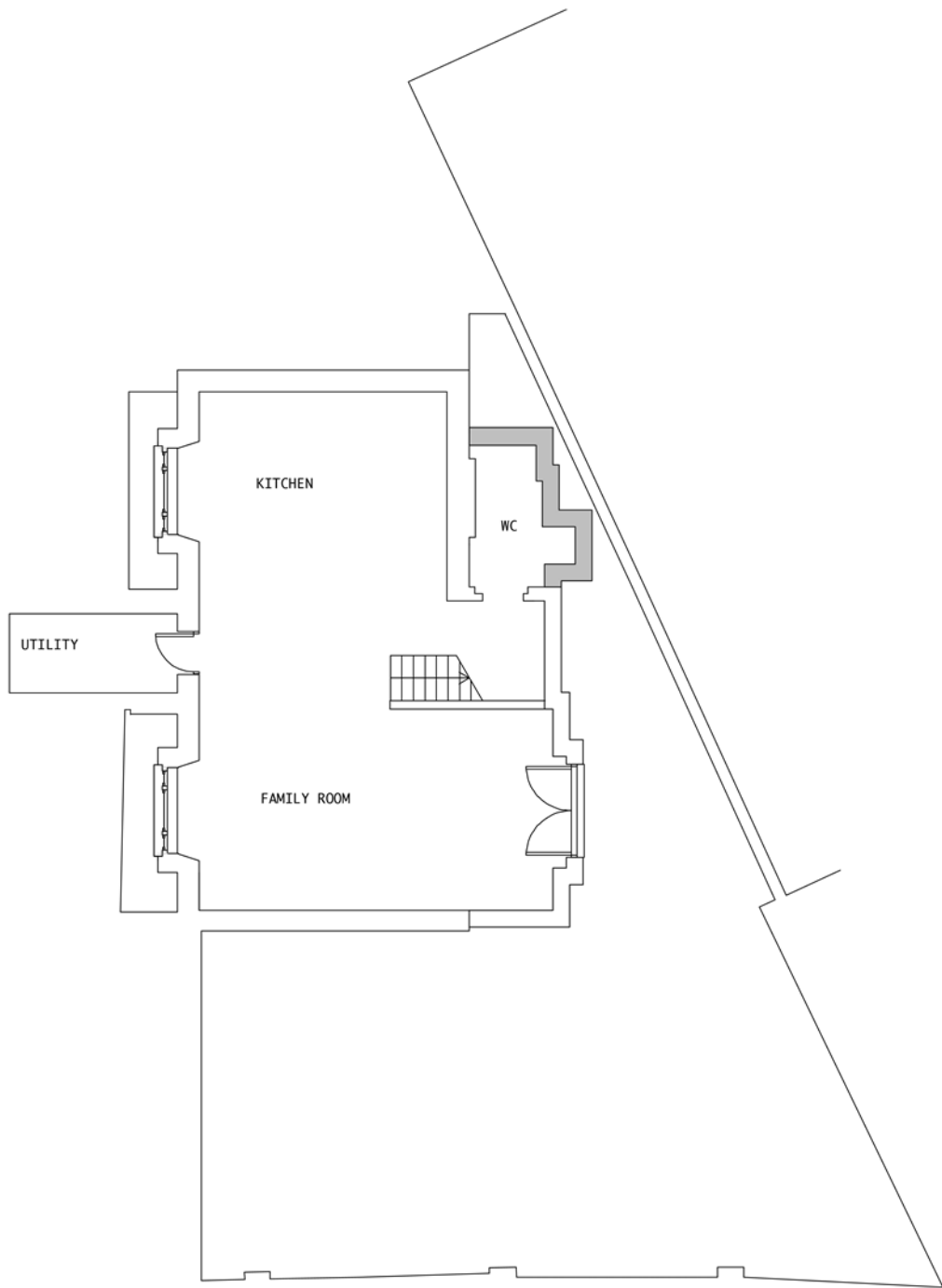
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Certificate of Lawful Existing Development
Drawing	Rear Elevation
Date	30th September 2008
Scale	1:50 @ A2



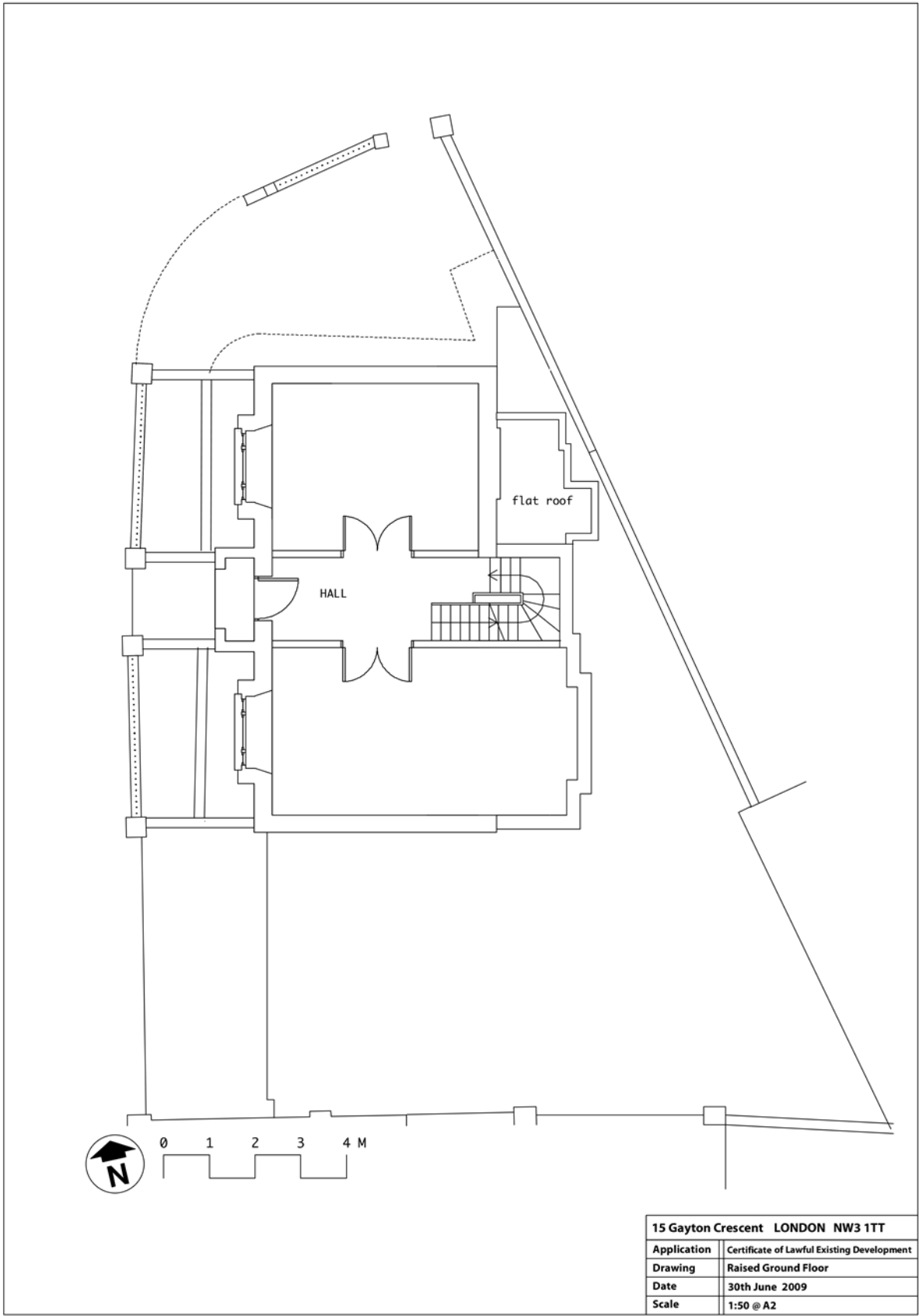
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Certificate of Lawful Existing Development
Drawing	North Elevation
Date	30th September 2008
Scale	1:50 @ A2



<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Certificate of Lawful Existing Development
Drawing	South Elevation
Date	30th September 2008
Scale	1:50 @ A2



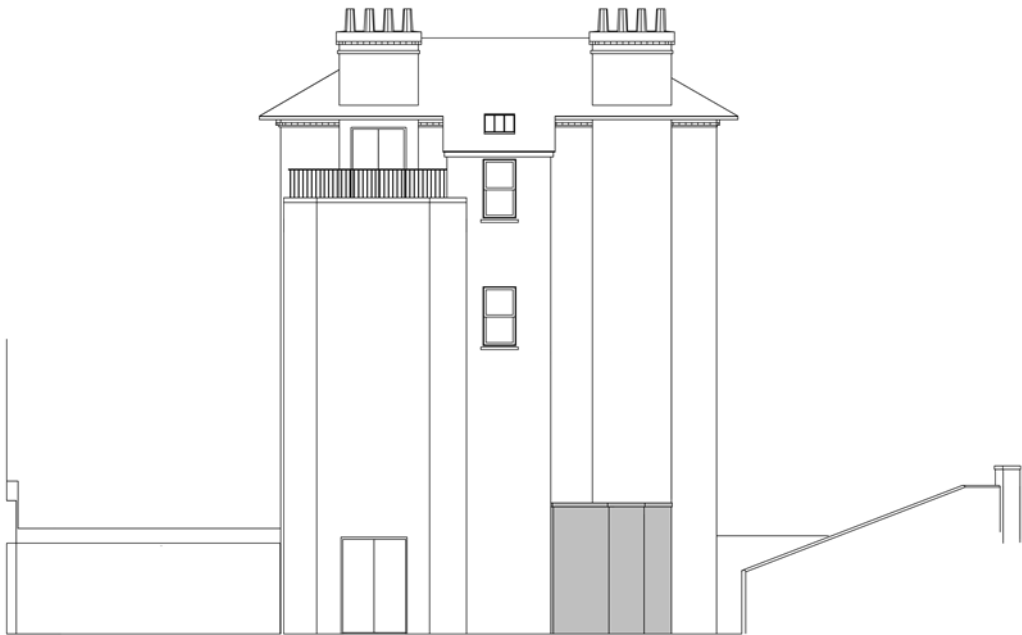
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
<b>Application</b>	Certificate of Lawful Existing Development
<b>Drawing</b>	Lower Ground Floor
<b>Date</b>	30th June 2009
<b>Scale</b>	1:50 @ A2



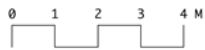
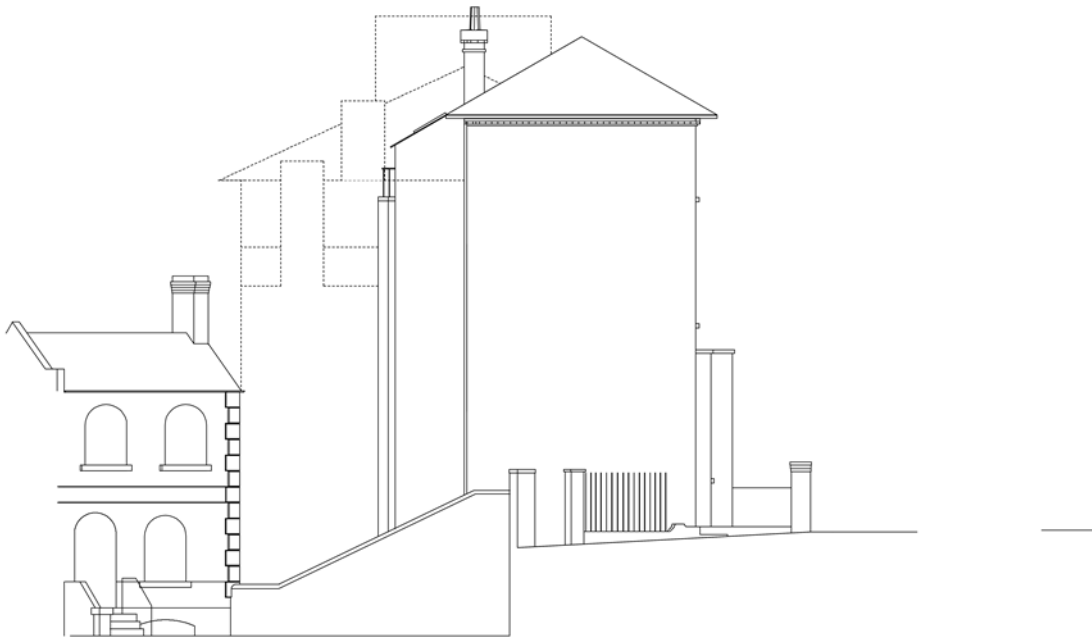
15 GAYTON CRESCENT



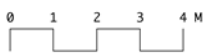
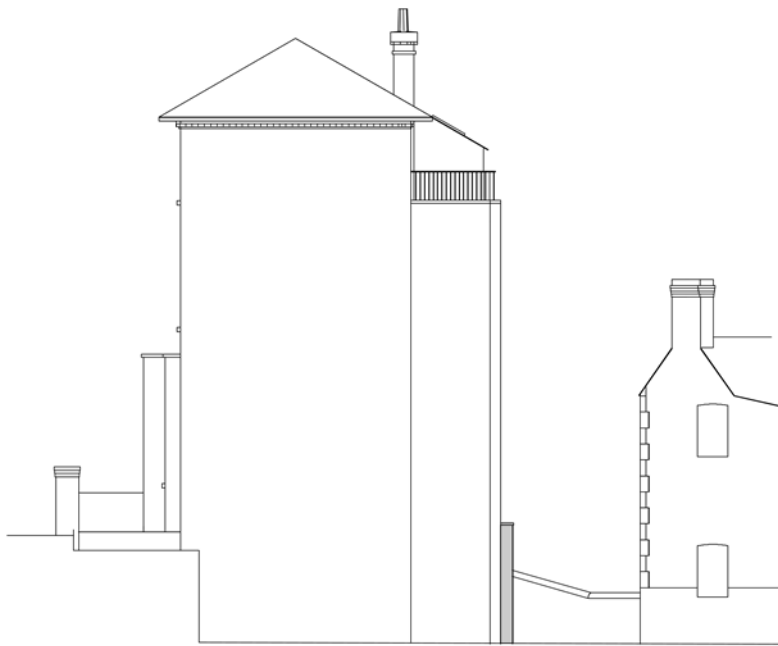
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Planning application
Drawing	Front Elevation
Date	30 June 2009
Scale	1:100 @ A2



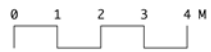
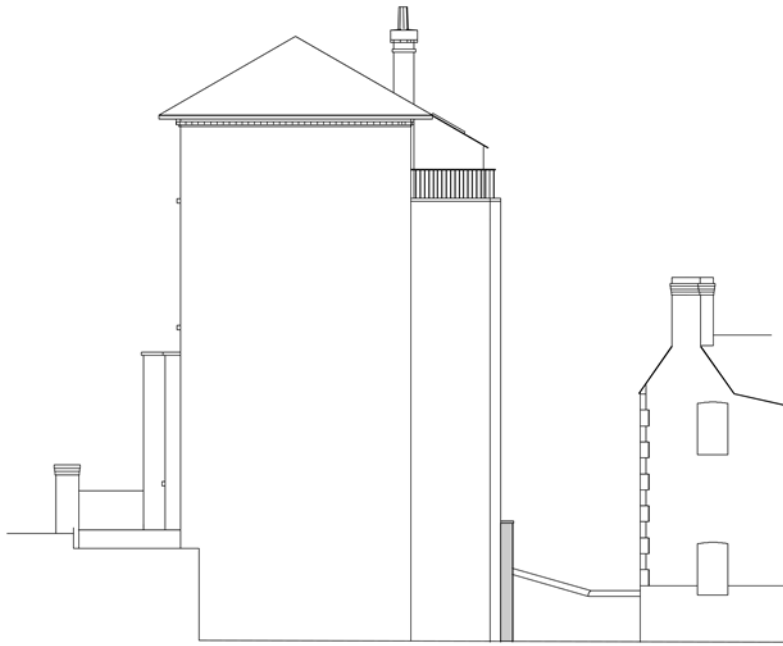
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Certificate of Lawful Existing Development
Drawing	Rear Elevation
Date	30th June 2009
Scale	1:50 @ A2



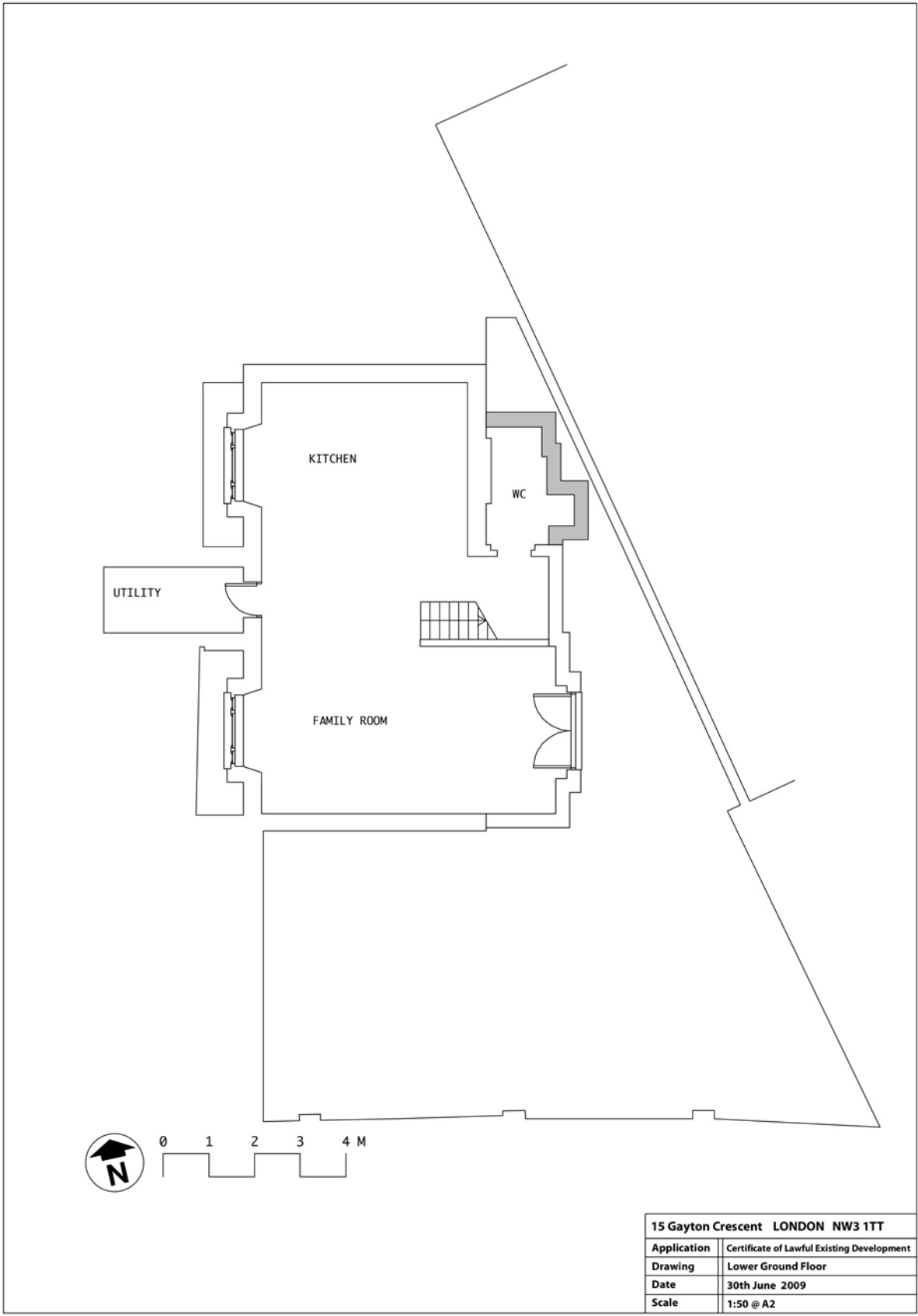
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Certificate of Lawful Existing Development
Drawing	North Elevation
Date	30th June 2009
Scale	1:50 @ A2



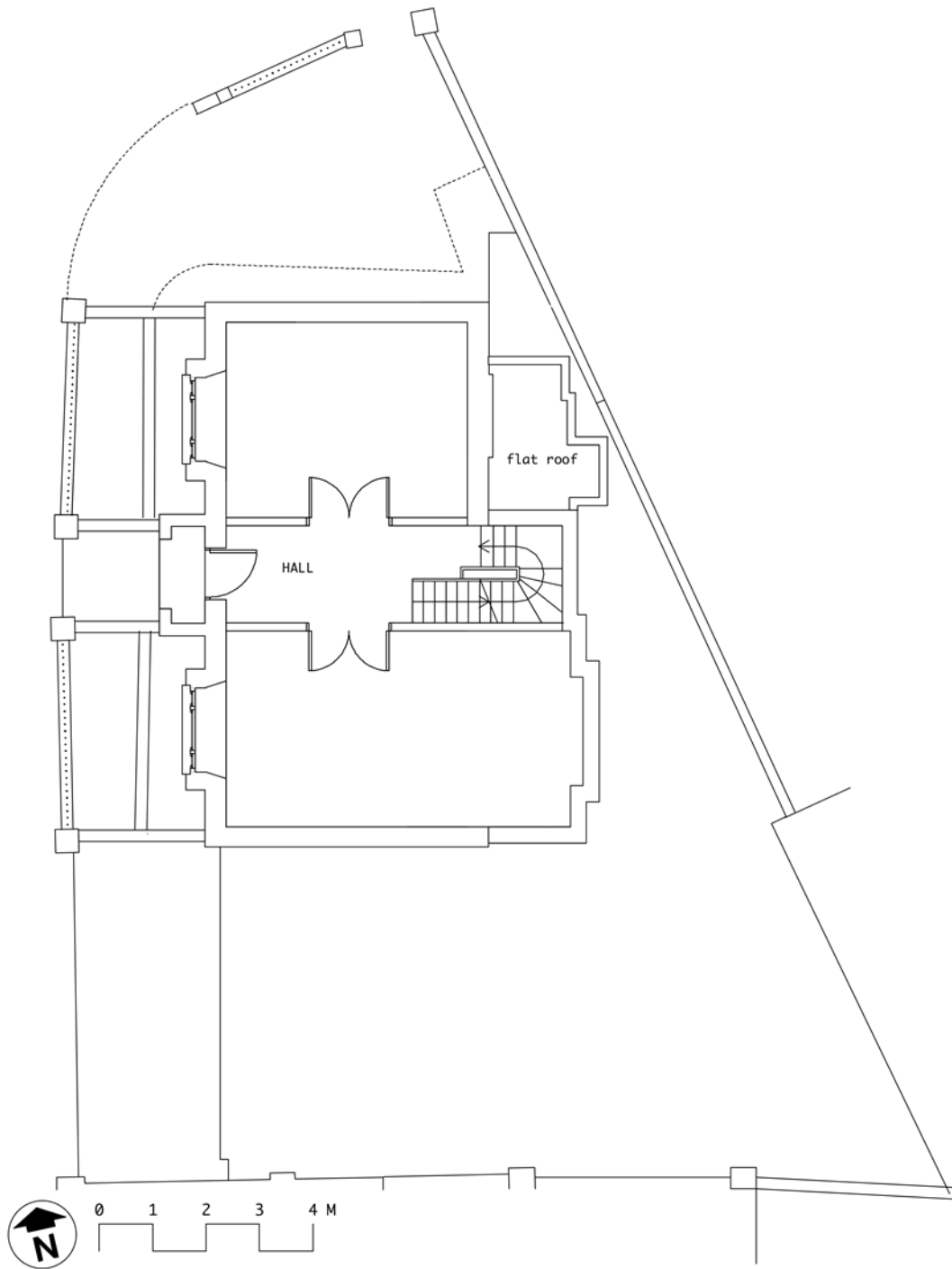
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Certificate of Lawful Existing Development
Drawing	South Elevation
Date	30th June 2009
Scale	1:50 @ A2



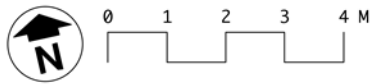
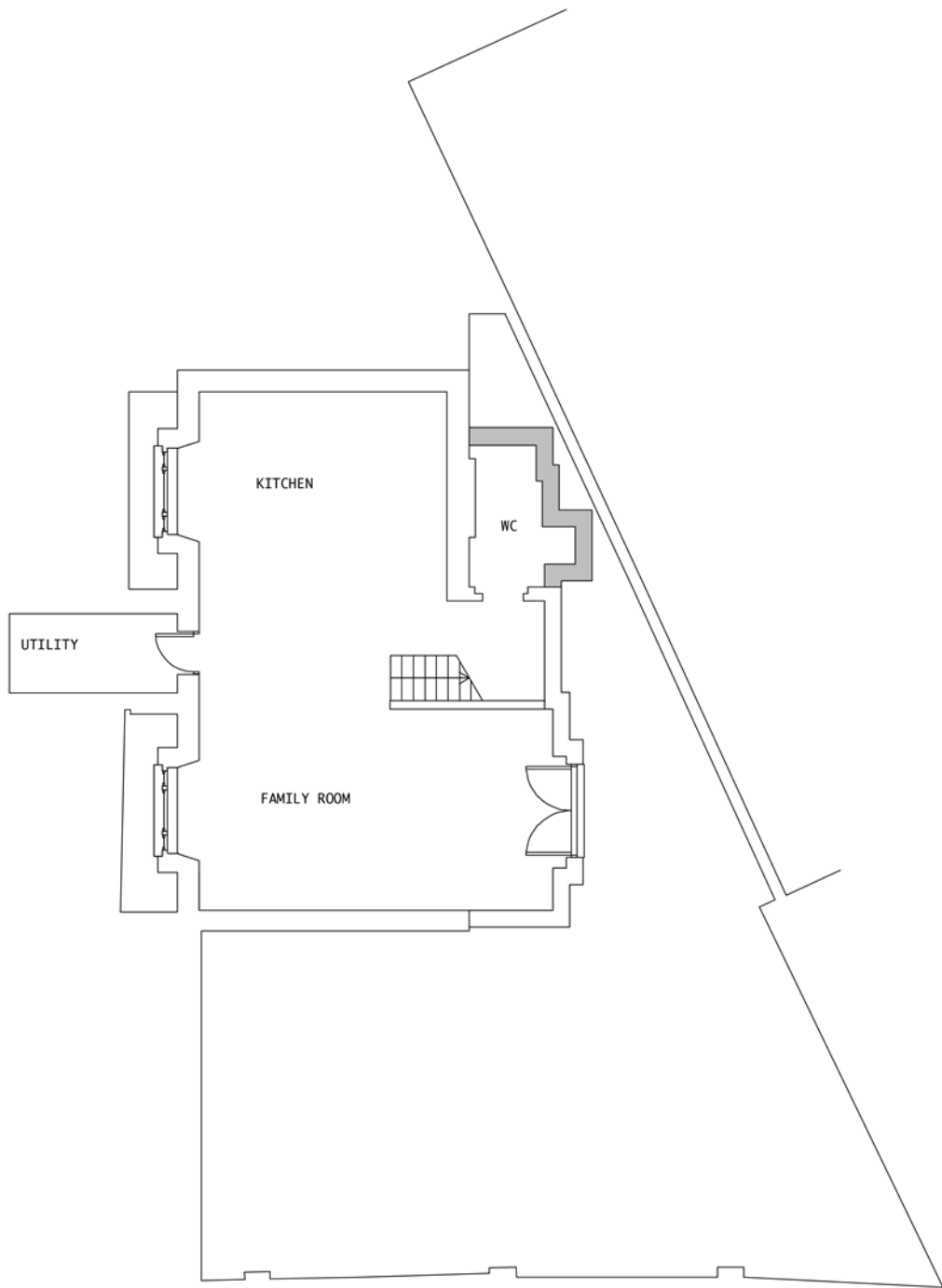
<b>15 Gayton Crescent LONDON NW3 1TT</b>	
Application	Certificate of Lawful Existing Development
Drawing	South Elevation
Date	30th June 2009
Scale	1:50 @ A2



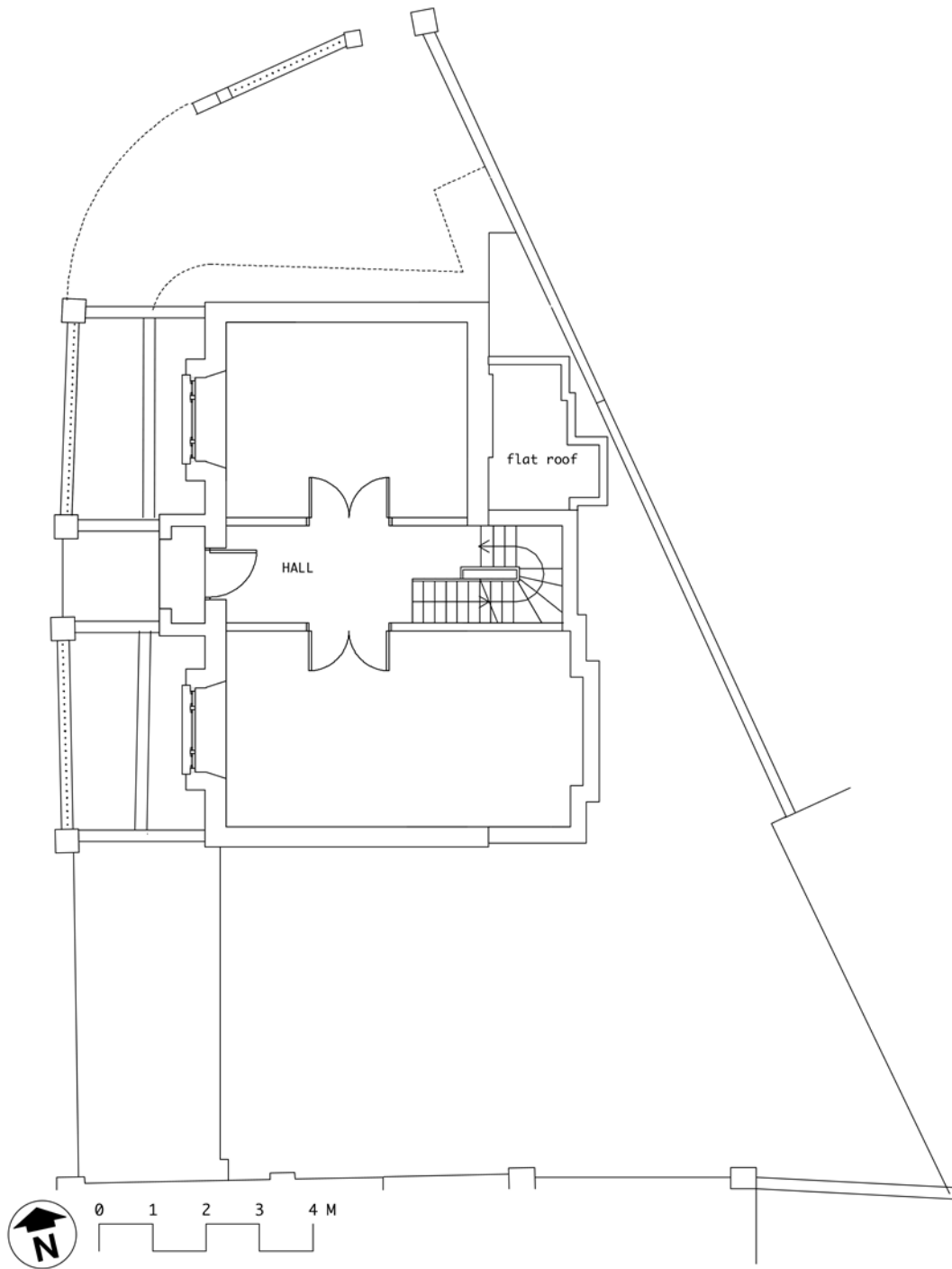




<b>15 Gayton Crescent LONDON NW3 1TT</b>	
<b>Application</b>	Certificate of Lawful Existing Development
<b>Drawing</b>	Raised Ground Floor
<b>Date</b>	30th June 2009
<b>Scale</b>	1:50 @ A2

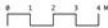


<b>15 Gayton Crescent LONDON NW3 1TT</b>	
<b>Application</b>	Certificate of Lawful Existing Development
<b>Drawing</b>	Lower Ground Floor
<b>Date</b>	30th June 2009
<b>Scale</b>	1:50 @ A2

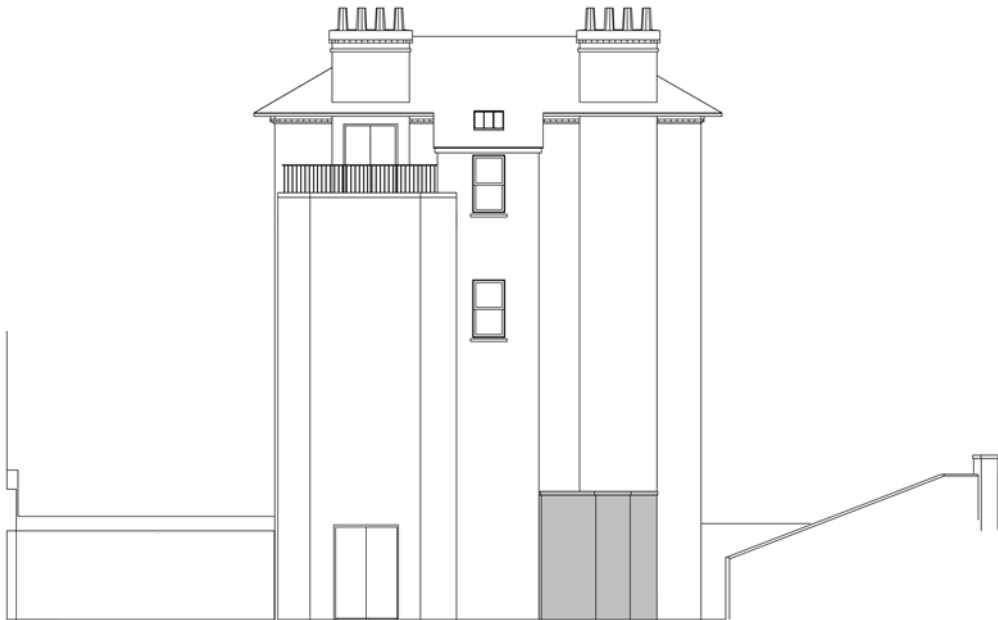


<b>15 Gayton Crescent LONDON NW3 1TT</b>	
<b>Application</b>	Certificate of Lawful Existing Development
<b>Drawing</b>	Raised Ground Floor
<b>Date</b>	30th June 2009
<b>Scale</b>	1:50 @ A2

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15 Gayton Crescent LONDON NW3 1TT	
Application	Planning application
Drawing	Front Elevation
Date	30 June 2009
Scale	1:100 @ A2



15 Gayton Crescent LONDON NW3 1TT	
Application	Certificate of Lawful Existing Development
Drawing	Rear Elevation
Date	30th June 2009
Scale	1:50 @ A2