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Mr Ian Gracie  
London Borough of Camden  
Planning Department  
By email

2 February 2017

Dear Ian

**Town & Country Planning Act 1990 (as amended)**

**Re: Application for Certificate of Lawful Development in respect of erection of ancillary building to replace existing ancillary building.**

I write on behalf of my client, Mrs Caroline Gladstone, who wishes to make an application under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

The case

The relevant section of the GPDO is reproduced here for ease of reference together with commentary relating specifically to the current application.

*Class E – buildings etc incidental to the enjoyment of a dwellinghouse*

**Permitted development**

**E. The provision within the curtilage of the dwellinghouse of—**

- (a) *any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or*
- (b) *a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.*

17 Boscastle Road is a single family dwelling house. There is an existing ancillary building within the curtilage of the property containing two garages and a garden shed. The footprint of this building is 46 square metres. It is proposed to demolish this existing building and to replace it with a new building which will contain one garage, a garden shed, and a conservatory. The footprint of the new building will be 82 square metres. This represents a modest increase in footprint of 36 square metres. The area of the entire curtilage of the property is 389 square metres.

The new building will replace one of the existing garages and the garden shed. It will also provide a conservatory with a large roof light and a south eastern aspect allowing Mr and Mrs Gladstone to enjoy the midday sunshine. Their existing sitting room faces north east and is dark as it benefits from very little sunlight.

The proposed building will be ancillary to the applicant's home and will be accessed through her garden. The purpose of the building will be incidental to the enjoyment of the host dwellinghouse.

**Development not permitted**

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

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

This does not apply in this case.

- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of ground covered by buildings would be less than 50% of the total area of the curtilage. Please refer to Appendix A for calculation.

- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

This does not apply in this case. The building will be situated to the rear of the original dwellinghouse.

- (d) the building would have more than a single storey;

The building will be single storey.

- (e) the height of the building, enclosure or container would exceed—
  - (i) 4 metres in the case of a building with a dual-pitched roof,
  - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
  - (iii) 3 metres in any other case;

The building will be located within 2 metres of the boundary of the curtilage of the dwellinghouse. No part of the building will exceed 2.5 metres in height.

- (f) the height of the eaves of the building would exceed 2.5 metres;

The eaves will not exceed 2.5 metres.

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The host dwelling is not a listed building.

- (h) it would include the construction or provision of a verandah, balcony or raised platform;

No verandah, balcony or raised platform is proposed.

- (i) it relates to a dwelling or a microwave antenna; or

The proposed building will be entirely separate from the host dwelling. No microwave antenna is proposed.

- (j) the capacity of the container would exceed 3,500 litres.

This is not applicable in this case.



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**E.2** In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

None of these designations apply to the application property.

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

This designation does apply to the application property. It is confirmed that no part of the proposed building will be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

#### **Interpretation of Class E**

**E.4** For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

This point is noted.

#### Demolition of existing garage building

Planning permission for relevant demolition within a conservation area is required for buildings with a volume in excess of 115 cubic metres. The existing garage building has a volume of 109.4 cubic metres and as such falls below this threshold. Planning permission is therefore not required to demolish the garage building.



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## Submission documents

In support of the application we are submitting the following documentation:

This covering letter  
Application form  
Site location plan  
Existing drawings  
Proposed drawings  
CIL form

The fee of £86 has been paid to the London Borough of Camden.

## Conclusion

As detailed above, the proposed building is in accordance with the criteria of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and as such we respectfully request that a Certificate of Lawful Development is granted.

Kind regards



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## Appendix A

### Area calculations

*All measurements in square metres.*

Total area of curtilage of dwellinghouse – 389 (A)

Total area of original dwellinghouse – 79.9 (B)

$A - B = 309.1$  (C)

Area available for development under Class E (50% of C) = 154.55 (D)

Area of rear extension to dwellinghouse – 15.6 (E)

Area of greenhouse – 8.1 (F)

$D + E = 23.7$  (G)

G is the total area of curtilage built upon, not including original dwellinghouse

$D - G = 130.85$  (H)

H is the amount of land that remains available for development under Class E. The area of the proposed building is 82 square metres. As such it is well below the amount of land available for development<sup>1</sup>.

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<sup>1</sup> Even where the area of the existing garage (45.6) is deducted from the area available for development this still leaves 85.25, sufficient to accommodate the proposed building.



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