

Brookstreet Des Roches LLP
25A Western Avenue
Milton Park
Abingdon
Oxfordshire
OX14 4SH

Application Ref: **2017/0090/P**
Please ask for: **Evelyn Jones**
Telephone: 020 7974 **2783**

8 March 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Existing) Granted

The Council hereby certifies that on the 17 January 2017 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Erection of roof extension to existing top floor flat (Class C3)

Drawing Nos: Site plan NGL643016, Statutory Declaration of Jonathan Gerard De'ath dated 17/11/2016, Statutory Declaration of Daisy Constance May Shields dated 17/11/2016, Official copy of register of title NGL643016 dated 01/11/2016

Second Schedule:

Flat 7

80-82 Gloucester Avenue

London

NW1 8JD

Reason for the Decision:

- 1 The roof extension was completed more than four years before the date of this application.



Informative(s):

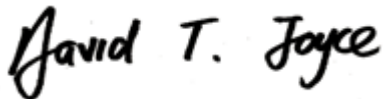
- 1 The applicant has submitted evidence in the form of a register of title from November 2016 citing the property register from 1989 stating that the third floor of the property was present. The applicant has also signed a statutory declaration stating that when he purchased the property in 2008 the third floor was present and that it had been built in 1971. Images taken from Google street view show the property to have the roof extension in question in 2008.

There is no evidence from the council to counter the evidence submitted by the applicant. The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the roof extension has been in existence for more than 4 years.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce
Director of Regeneration and Planning

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus, would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.