



Application for a Lawful Development Certificate: Proposed Use/Development

5 Hilltop Road, Camden, NW6 2QA

1. This document has been prepared by Iceni Projects Ltd. in support of a Lawful Development Certificate application at 5 Hilltop Road, Camden, NW6 2QA.

The Proposal

2. The proposal involves the erection of a single storey extension at ground floor level, to the existing residential dwelling at 5 Hilltop Road, Camden. We believe that the development of an extension to the existing dwelling at 5 Hilltop Road is 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015. The reasons for this are discussed below.

Assessment against the Town and Country Planning (General Permitted Development) (England) Order 2015

3. We consider that the development should be considered under Schedule 2, Part 1, Class A of the General Permitted development order (2015) which relates to 'enlargement, improvement and other alteration of a dwellinghouse'.
4. Paragraph A describes that the development permitted within this particular class is the enlargement, improvement other alteration of a dwellinghouse.
5. Paragraph A.1 describes what development is not permitted by Class A of the Order. The text describing the types of development not permitted is included below, alongside a description of how the proposal relates to this:

- (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);*

Part (a) relates to whether the existing dwellinghouse was granted permission to be a dwellinghouse through a different permitted development right. Since the dwelling is a purpose-built dwelling, and permission was not been granted by Class M, N, P or Q of Part 3 of the schedule, this does not apply.

- (b) *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);*

The rear garden of the property at 5 Hilltop Road is extremely large, and with the curtilage measuring 380sqm, the proposed extension would have an area covering 20.5sqm, and thus the extension would not exceed 50% of the total area of the curtilage.

- (c) *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;*

The highest point of the roof reaches 10.3 metres, whilst the highest part of the extension reaches 3.1 metres. The extension would therefore not exceed the height of the highest part of the roof.

- (d) *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;*

The height of the eaves of the main dwelling house is 7 metres. The eaves of the extension would reach 2.9 metres, thus meaning the eaves of the extension would not exceed the height of the eaves of the main dwelling.

- (e) *the enlarged part of the dwellinghouse would extend beyond a wall which—*
(i) *forms the principal elevation of the original dwellinghouse; or*

- (ii) *fronts a highway and forms a side elevation of the original dwellinghouse;*

The proposed extension is to the rear of the house, and does not front onto a highway, thus meaning this is complied with.

- (f) *subject to paragraph (g), 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;*

The property subject to this planning application is a detached single family dwellinghouse and thus an extension can have a depth no greater than 4 metres. The extension proposed is a single storey and reaches a maximum height of 3.1 metres, it extends beyond the existing rear wall of the dwellings house by 4 metres. Since the extension is single storey, extends beyond the rear wall by 4 metres, and is less than 4 metres in height this is complied with.

- (g) *until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or*

- (ii) *exceed 4 metres in height;*

This requirement does not apply to the proposed extension as the depth is no greater than that specified in Paragraph (f).

- (h) *the enlarged part of the dwellinghouse would have more than a single storey and—*

- (i) *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;*

The proposed extension is a single storey and thus paragraph (h) is complied with.

- (i) *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;*

The proposed extension would not be within 2 metres of the boundary of the curtilage of the dwellinghouse. The extension would be set 3.2 metres from the boundary of 7 Hilltop Road, and 2.7 metres from the boundary with 3 Hilltop Road. The height of the eaves is 2.9 metres and thus this is complied with.

- (j) *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 a single storey, or*
 - (iii) *have a width greater than half the width of the original dwellinghouse; or*

The proposed development does not constitute a side extension as it extends beyond the elevation of the rear of the house. The total width of the extension is 5 metres and the main dwelling has a width of 10.1 metres, therefore the extension has a width less than half of the existing dwelling.

- (k) *it would consist of or include—*
 - (i) *the construction or provision of a verandah, 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.*

The proposal does not include any of the items listed, and thus A.1 (k) is complied with.

Part A.3 indicates that development will be permitted in accordance with Class A subject to a number of conditions, these are as follows:

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials used within the scheme will be of similar appearance to the existing dwellinghouse.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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

There are no upper-floor windows proposed within the scheme and thus this condition is not applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed extension does not have more than a single storey proposed and thus this condition is not applicable.

Conclusion

- 6. Based on the above assessment of the General permitted Development Order (England) 2015, it is evident that the scheme satisfies both the criteria and conditions, and therefore the proposals are 'permitted development'. Officers at the Council have already reached this conclusion on a previous application at the site (2013/7792/P).
- 7. We therefore respectfully request that a Lawful Development Certificate confirming this is issued by the London Borough of Camden.

Iceni Projects

March 2017