

Tessa Craig
London Borough of Camden Council
Planning Solutions Team
Development Management
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

Date: 24 May 2017
Our ref: 10887/SB/JMa/14098957v1
Your ref: 2017/2838/P

Dear Ms Craig

Objection to Application 2017/2838/P: 44 Queens Grove, London, NW8 6HH

We write on behalf of the owners of 45 Queens Grove, Mr & Mrs Levy, to object to the latest application for a Certificate of Lawfulness in relation to the proposed erection of a single storey outbuilding within the rear garden of number 44 Queens Grove.

We wrote to your colleague Mr Yeung previously in relation to the earlier Certificate of Lawfulness application (2017/1777/P) indicating that our clients have substantive planning concerns over the impact of the single storey outbuilding proposed on both the enjoyment of their own dwelling house and garden and on the character of the area. We expressed concern that the applicant was seeking to obviate the requirement for the submission of a planning application and the associated planning assessment of its impact on his neighbours and these concerns remain. However our objection to the current application is again restricted to a consideration of the proposal against permitted development rights.

Permitted Development Rights

Guidance on permitted development rights is provided in The Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO'). Schedule 2, Part 1, Class E provides details of permitted development rights relating to the erection within a residential curtilage of any building or enclosure incidental to the enjoyment of a dwellinghouse. It sets out a series of criteria which must be met in order for development proposals to benefit from these permitted development rights. Having reviewed these criteria, it is evident that the current application proposals at 44 Queens Grove **still** do not meet these all these criteria and hence require the submission of a formal application for planning permission.

Section (f) makes clear that development is not permitted by Class E if the height of the eaves of the building would exceed 2.5 metres. The submitted drawing show the dimensions of the proposed studio building. It is clear from these drawings that the height of the eaves has been reduced since the earlier application. The measured dimensions show the height to the top of the proposed roof as 2,500mm at one side and 2,727mm at the other but no figures are provided for the eaves (the underside of the roof) which is the key figure. From our measurements it is apparent that the measurement to the eaves is now approximately 2,540mm at its adjacent to the sliding glass door. This is clearly still in excess of the maximum permissible figure of 2,500mm set out in section (f) meaning that planning permission is still required.

Section (b) advises that development is not permitted by Class E if 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 term "original house" means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). It is evident from a review of the planning history of the site that the current dwelling has been significantly extended since 1948.

In 1998, planning permission (Ref PE9800586) was granted for the erection of part two, part three and part four storey extension to side of property and new boundary wall and gates to front, and new bay window on the front elevation at first floor level.

Most recently, in July 2015, planning permission (2015/3184/P) was granted for the erection of a two storey lower ground floor extension to the existing side extension, erection of part one/part two storey lower ground floor rear extension including terrace at upper ground floor level, alterations to fenestration and roof of existing three storey lower ground floor rear extension, installation of air conditioning units to roof of existing side extension and alterations and excavation of lower ground floor rear patio area.

The Design and Access Statement forming part of that application explained that the proposal involved a gross increase in the total building area of 71 square metres, corresponding to a 46 square metre increase on surface area. This figure did not take into account the extensive paved terraces which were provided or the extent to which the property had already been extended since 1948. The site plan submitted with the recent application indicates that a 17.5 square metre shed has already been erected in the rear garden and this too needs to be taken into account in considering the extent to which there has been development within the curtilage since 1948.

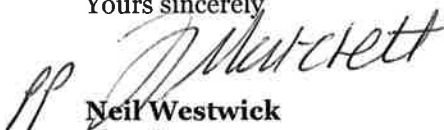
We have measured the area of the existing extensions, paved / terraced areas, existing and proposed shed. We calculate the development area to be approximately 55% of the total area of the curtilage (excluding the ground area of the original dwelling house and including the existing and proposed outbuildings). In this context, it is contended that that the introduction of the proposed garden studio would mean that more than half the area of land around the "original house" would be covered by additions or other buildings in breach of the requirements of section (b). For this reason an application for planning permission is required.

Conclusion

It is clear from the above assessment of the proposed single storey outbuilding within the rear garden at number 44 Queens Grove against the relevant GPDO criteria that the proposal is not 'permitted development'. Such proposed development necessitates the submission of an application for planning permission. We therefore do not consider a Certificate of Lawfulness can be issued for the development proposed.

I trust that you will take these comments into account and look forward to receiving confirmation that the Certificate of Lawfulness application is to be refused.

Yours sincerely


Neil Westwick
Planning Director