

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2019/0915/P
<b>Officer</b>		<b>Expiry date</b>	
Gavin Sexton			
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
29 Willow Road London NW3 1TL			
<b>Conservation Area</b>		<b>Article 4</b>	
Hampstead		No	
<b>Proposal</b>			
Construction of a summer house in the rear garden.			
<b>Recommendation:</b>		Grant lawful development certificate	

Consultation response: (The Heath & Hampstead Society)

- This application is very thin and as shown is not clearly permitted development.
  - The use of internal spaces are not stated – the building could easily be a studio flat and hence a new dwelling.
  - The external height is not shown – external elevations and sections are needed to show the EXTERNAL ht. (Not more than 2.5 to top of boundary wall)
- For the sake of neighbours and the Conservation Area it would be more considerate to show and name the materials of the external walls.

*Officer comment:* the applicant has clarified the following points:

- The proposed summer house will be located between two neighbouring sheds at the end of the garden
- Elevations of the design are not available, however it would be an oak framed structure with pine cladding and a single pitched slate roof. A reference photo was submitted.
- The outbuilding will be one storey only, and the height of the total development will not exceed 2.5 metres when measured from the highest ground level immediately adjacent to the building.
- The summer house will be level with the existing dwelling's basement floor.
- The principle use of this summer house will be a play space for children.

These are factored into the assessment below.

**Class 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

**If yes to any of the questions below the proposal is not permitted development****Yes/no**

E.1 (a)	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of [ Class M, N, P, PA or Q of Part 3 ] of this Schedule (changes of use)	No
E.1 (b)	As a result of the works, will the total area of ground covered by buildings, enclosures and containers within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	The building is c.18sqm in footprint within a garden of c.84sqm
E.1 (c)	Would any part of the building, enclosure, pool or container be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?	No
E.1 (d)	Would the building have more than one storey?	The plan drawings are annotated with “max height 2.5m” the applicant has confirmed that the building would be only a single storey.
E.1 (e)	Would the height of the building, enclosure or container 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 plan drawings are annotated with “max height 2.5m” and this has been clarified by the applicant as the maximum height of the structure above the ground level adjacent to its location.
E.1 (f)	Would the height of the eaves of the building exceed 2.5 metres?	The plan drawings are annotated with “max height 2.5m” and this has been clarified by the applicant as the maximum height of the structure above the ground level adjacent to its location.
E.1 (g)	Would the building, enclosure, pool or	No

	container be situated within the curtilage of a listed building?	
E.1 (h)	Would it include the construction or provision of a veranda, balcony or raised platform?	No
E.1 (i)	Does it relate to a dwelling or a microwave antenna?	No
E.1 (j)	Would the capacity of the container exceed 3,500 litres?	No
Is the property in a conservation area? If yes to the question below then the proposal is not permitted development		
E.3	Would any part of the building, enclosure, pool or container be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?	The proposed building would be in the Hampstead Conservation Area but it would be located at the end of the garden and not between a side elevation and boundary.

There is no relevant planning history and no relevant article 4 direction which applies to the site.

'Permitted development rights for householders: technical guidance' (April 2017) states the height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point.

Although the submitted documents do not include elevations, however it is considered that the submitted plans, site photos and clarifications from the applicant are sufficient to judge whether the structure, which is restricted only in terms of the criteria above, would be permitted development.

The applicant has confirmed in writing that the height of the building at its highest point would be less than 2.5m above the existing ground level immediately adjacent to the outbuilding.

The outbuilding is therefore considered to be permitted under Class E.

### **Recommendation**

The outbuilding is permitted under Class E of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015.