



Our Ref: LPL751 16-05-2019

Camden Council
Planning Department
5 Pancras Square
London
N1C 4AG

16th May 2019

Dear Sir/ Madam

Foley Tree House, 11 East Heath Road, NW3 1DA

We are instructed by the owners to submit a Certificate of Lawfulness of Proposed Use or Development in relation to the replacement of the existing first floor balcony of Foley Tree House with a like for like replacement. It should be noted that the first-floor balcony is no longer safe.

The first-floor balcony was approved as part of the original treehouse application (application reference 2009/2777P), approved on 31st March 2010 and is clearly shown on the approved plans (see drawing numbers 508/100/18A Section A-A, 508/100/17A East Elevation and 508/100/16A South Elevation).

It is noted that a number of minor amendments were submitted to the Council by way of a Certificate of Lawfulness for the Existing Development in December 2017 (application reference 2017/6888), these did not relate to the design, location or appearance of the first-floor balcony approved under reference 2009/2777P. Copies of the above-mentioned decision notices are submitted for completeness.

Camden Council have accepted by way of the above-mentioned applications that the design, location and appearance of the first-floor balcony has been established.

It should also be noted that the repair, maintenance and replacement of the first-floor balcony does not require planning permission. The works required to replace the balcony fall within Class E of the GDPO, which states:

“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;”

It should also be noted that the work to replace the balcony does not constitute development, as defined in the Town and Country Planning Act 1990 which states:

“(2)The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i)affect only the interior of the building, or

(ii)do not materially affect the external appearance of the building”

The replacement of the first-floor balcony does not constitute development in circumstances where the replacement of the balcony is for maintenance/improvement (the existing balcony is no longer safe) and the like for like replacement will not materially affect the external appearance of the building.

For completeness, photographs and the existing / proposed drawings prepared by LXA are submitted as part of this application of lawfulness.

It is considered that there is adequate information submitted with this application to approve the Certificate of Lawfulness without delay, however, please don't hesitate to contact me should you have any queries or require any further information.

Yours Faithfully,

Samantha Nicolls
BA(Hons) MTCP MRTPI
Group Managing Director
Leith Planning Limited