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Dear Sir/Madam

**6 Lindfield Gardens
Submission of application for Certificate of Lawful Proposed Development**

Planning Portal Ref : PP-07872765

On behalf of the applicant, Mr U. Zaidman we seek confirmation through the issuing of a Certificate of Lawful Proposed Development that a proposed development is permitted development in accordance with the **Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('The GPDO')**.

Specifically, the following is proposed:

Erection of a single storey building within the rear garden area of existing dwelling house, incidental to the enjoyment of the existing dwelling house

In support of this submission, in addition to this covering statement please find enclosed:

- *Site Location Plan*
- *Existing Drawings*
- *Proposed Drawings*

The relevant application fee of £103 will be paid separately along with the £20 Planning Portal Administration Fee.

Proposed Development

No 6 Lindfield Gardens is a long established single family dwelling house within Class C3.

The proposed garden building will be located within the curtilage of the existing dwelling house, specifically located within the rear garden area.

It will provide accommodation for use by the residents of the single family dwelling house incidental to their enjoyment of the existing dwelling house.

It will not be used as self-contained residential accommodation and will therefore be wholly incidental to the enjoyment of the main existing dwelling house. No bedrooms, bathrooms or kitchens are proposed within the building. The building cannot be accessed other than through the curtilage of the existing dwelling house.

The proposed structure is a single storey building with a footprint of 70m². It will be of timber construction. It will be a dual pitched building to a maximum height of 4.0m. Eaves height will be to a maximum height of 2.5m.

No part of the building will be located within 2.0m of the boundary of the curtilage of the property.

The ground level is not uniform with modest level changes at the area of the garden where the building is to be erected. On this basis, full reference has been had to the guidance within the DCLG document “*Permitted development rights for householders : Technical Guidance*”, which states that:

“Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.”

Permitted Development

This property is a single dwellinghouse within Class C3 use. A review of records has confirmed that no Article 4 Direction to remove Class E permitted development rights applies to this property.

Schedule 2, Part 1 of the GPDO provides a range of works that can be completed within the curtilage of a single dwellinghouse, without needing planning permission.

Where all of the relevant sub-clauses are met, the works constitute permitted development and do not require formal planning consent to be undertaken.

In this case, **Class E of Schedule 2, Part 1 of the GPDO is relevant.** The table below sets out all parts of Class E and an assessment of the proposed building against all parts of Class E :

<p style="text-align: center;">Class E – buildings etc incidental to the enjoyment of a dwellinghouse</p>	<p style="text-align: center;">Applicant Comments in respect of proposed building</p>
<p>PERMITTED DEVELOPMENT</p> <p>E. The provision within the curtilage of the dwellinghouse of—</p> <p>(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</p> <p>(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.</p>	<p><i>The proposed building lies within the curtilage of a single dwelling house within Class C3</i></p> <p><i>It will be incidental to the enjoyment of the dwelling house as such.</i></p> <p><i>It will not form separate self-contained accommodation nor will it provide primarily living accommodation.</i></p> <p><i>No bathroom, kitchen or bedroom is proposed.</i></p>

DEVELOPMENT NOT PERMITTED E.1 Development is not permitted by Class E if-																
(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);	<i>Not Applicable. This is a long established single family dwelling house</i>															
(b) 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);	<p><i>The property has a substantial rear garden area and also a significant area to the front of the dwelling.</i></p> <p><i>Given this, the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would NOT exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)</i></p> <table border="1" data-bbox="954 875 1481 1451"> <thead> <tr> <th><i>Drawing Reference</i></th> <th></th> <th><i>sqm</i></th> </tr> </thead> <tbody> <tr> <td><i>Existing Site Plan</i></td> <td><i>Existing dwelling (including all front garden lower ground and ground terracing extensions within front garden area)</i></td> <td><i>313</i></td> </tr> <tr> <td><i>Site Plan</i></td> <td><i>Total Area of Site Curtilage</i></td> <td><i>1345</i></td> </tr> <tr> <td><i>Existing Site Plan</i></td> <td><i>Total Area of Site Curtilage (excluding the ground area of the of the original dwellinghouse)</i></td> <td><i>1032</i></td> </tr> <tr> <td><i>Proposed Floor plan</i></td> <td><i>Total ground floor area of proposed building</i></td> <td><i>70</i></td> </tr> </tbody> </table>	<i>Drawing Reference</i>		<i>sqm</i>	<i>Existing Site Plan</i>	<i>Existing dwelling (including all front garden lower ground and ground terracing extensions within front garden area)</i>	<i>313</i>	<i>Site Plan</i>	<i>Total Area of Site Curtilage</i>	<i>1345</i>	<i>Existing Site Plan</i>	<i>Total Area of Site Curtilage (excluding the ground area of the of the original dwellinghouse)</i>	<i>1032</i>	<i>Proposed Floor plan</i>	<i>Total ground floor area of proposed building</i>	<i>70</i>
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(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	<i>The building is located to the rear of the dwelling house</i>															
(d) the building would have more than a single storey;	<i>The building will only have one storey</i>															
(e) the height of the building, enclosure or container would exceed— <ol style="list-style-type: none"> <i>I. 4 metres in the case of a building with a dual-pitched roof,</i> <i>II. 2.5 metres in the case of a building, enclosure or container within 2 metres of</i> 	<p><i>The proposed building has a dual pitched roof.</i></p> <p><i>The maximum height of the building will not exceed 4.0m from the highest part of the surface of the ground next to the building.</i></p> <p><i>The building is not located within 2m metres of the boundary of the curtilage of the dwellinghouse</i></p>															

<p><i>the boundary of the curtilage of the dwellinghouse, or</i></p> <p><i>III. 3 metres in any other case;</i></p>	
<p>f) the height of the eaves of the building would exceed 2.5 metres;</p>	<p><i>The height of the eaves of the building will not exceed 2.5m from the highest part of the surface of the ground next to the building.</i></p>
<p>(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;</p>	<p><i>The building is not situated within the curtilage of a listed building;</i></p>
<p>(h) it would include the construction or provision of a verandah, balcony or raised platform;</p>	<p><i>The proposed building will NOT include the construction or provision of a verandah, balcony or raised platform</i></p>
<p>i) it relates to a dwelling or a microwave antenna; or</p>	<p><i>Not Applicable</i></p>
<p>(j) the capacity of the container would exceed 3,500 litres.</p>	<p><i>Not Applicable ; no container is proposed.</i></p>
<p>E.2 In the case of any land within the curtilage of the dwellinghouse which is within—</p> <p>(a) an area of outstanding natural beauty;</p> <p>(b) the Broads;</p> <p>(c) a National Park; or</p> <p>(d) a World Heritage Site,</p> <p>development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.</p>	<p><i>Not Applicable :the site is NOT located within</i></p> <p>(a) <i>an area of outstanding natural beauty;</i></p> <p>(b) <i>the Broads;</i></p> <p>(c) <i>a National Park; or</i></p> <p>(d) <i>a World Heritage Site,</i></p>
<p>E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.</p>	<p><i>The land is within the curtilage of the dwellinghouse which is article 2(3) land.</i></p> <p><i>No part of the building would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.</i></p>
<p>Interpretation of Class E</p> <p>E.4. For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.</p>	<p><i>Not applicable</i></p>

A positive response is noted against each of these sub clauses, therefore the proposal is permitted development under the terms of the relevant parts of the GPDO.

Trees

The building does not require the removal of any tree. The applicant is well aware of their responsibilities to seek applications for tree works where required under normal consideration of such matters.

Matters relating to tree protection are not material to the determination of this application for a Certificate of Lawful Proposed Development.

Class E makes no reference whatsoever to any tree issues, and makes no reference to trees within conservation areas or whether individual TPO's are present

Notwithstanding this, the applicant has been mindful of the proximity of the trees and will use a non-invasive construction method to provide adequate safeguard for the roots of the trees.

Consequently, very minimal dig is proposed for land preparation. The construction will be carried out manually only, not just to impose the highest degree of protection to the trees but because there is no access for any mechanised construction equipment other than hand-held or operated tools.

The proposed base of the summer house will be formed of a concrete slab, supported at or above ground level by small-bore piles

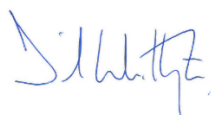
Summary

The proposed building is incidental to the existing single dwelling house. As noted above, the proposal will be in accordance with all parts of Class E of Schedule 2, Part 1 of the GPDO.

Therefore, this development is permitted development and a Certificate to confirm this can be issued by the LPA

I trust that everything is in order. Please do not hesitate to contact me if necessary using the information noted at the head of this letter.

Yours faithfully



David Whittington
Savills