

6 CONYBEARE, LONDON NW3

APPLICATION UNDER SECTION 192
OF THE TOWN AND COUNTRY PLANNING ACT 1990
FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESEPECT OF
DEVELOPMENT WITHIN CURTILAGE OF DWELLINGHOUSE
AND OTHER WORKS

PLANNING STATEMENT

- 1 This application for a lawful development certificate under section 192 of the Town and Country Planning Act 1990 relates to a detached dwelling at 6 Conybeare. This Statement explains why the proposed works constitute permitted development under the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
- 2 This application seeks confirmation that the following works are permitted development.
 - . Provision of a new window opening at ground-floor level.
 - . Installation of five double glazed roof lights at roof level, one on the roof of the top store and four on the main roof.
 - . Installation of railings around the perimeter of the roof.
 - . Provision of a replacement garden fence at the rear.
- 3 It is also proposed to erect a small two-storey extension at the rear of the house but, due to the limitation at paragraph A.1(h) of Class A of Part 1 of Schedule 2 of the GPDO, it will be necessary to submit a planning application for this development.
- 4 This application complies with the procedural requirements for lawful development certificate applications as set out at Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in that it includes:
 - . the application form;
 - . drawings describing the proposed development;
 - . a plan identifying the land drawn to an identified scale and showing the direction of north;
 - . a statement setting out the applicant's interest in the land (see question 5 of the application form);

- . evidence verifying the information included in the application form (this Statement); and
 - . the relevant application fee (£103).
- 5 The Council will be aware that the planning merits of the proposed development and the extent to which the proposal is compliant with development plan policy are not relevant planning considerations in the determination of an application for a lawful development certificate.
- 6 6 Conybeare is a dwellinghouse and therefore benefits from the permitted development allowances under Part 1 of Schedule 2 to the GPDO 2015 (development within the curtilage of a dwellinghouse) and, in particular, Class A (enlargement, improvement and alteration of a dwellinghouse) and Class C (other alterations to the roof of a dwellinghouse). The property also benefits from the provisions of Part 2 (minor operations) of the GPDO.
- 7 The site is not within a Conservation Area, an Area of Outstanding Natural Beauty, the Broads, a National Park or a World Heritage Site and it is therefore not subject to the special restrictions applicable to such areas under paragraphs A.1 and A.2 of Class A of Part 1 of the GPDO.
- 8 The site is not the subject of an Article 4 direction removing or varying permitted development rights under Part 1 of Schedule 2 of the GPDO. Also, the original 1965 planning permission for the house contains no planning conditions removing or varying permitted development rights.
- 9 The proposed works constitute permitted development for the following reasons. I will address each proposal in turn.
- 10 *Window opening at ground-floor level*
This alteration falls within the scope of Class A of Part 1 of Schedule 2 of the GPDO 2015. All the relevant limitations at paragraph A.1 would be met. The materials used would match the existing materials thereby satisfying the requirement of condition (a) of paragraph A.3.
- 11 *Rooflights*
The roof lights fall within the terms of Class C of Part 1 of Schedule 2 of the GPDO 2015. The roof lights would not result in any increase in the height of the highest part of the existing roof, thereby complying with limitation (c) of paragraph C.1 of Class C.

12 *Railings around roof*

The proposed railings fall within the scope of Class C of Part 1 of Schedule 2 of the GPDO 2015, which covers “any other alteration to the roof of a dwellinghouse”. The railings would not offend limitation (b) of paragraph C.1 since the existing roof is a flat roof, not a sloping roof. The railings would satisfy limitation (c) of paragraph C.1 since the top of the railings would be well below the highest part of the existing roof. It should be noted that the existing building, including the roof structure, is the original building.

13 *Replacement garden fence*

The new garden fence falls within the scope of Class A of Part 2 of Schedule 2 of the GPDO 2015, which relates to gates, fences, walls or other means of enclosure. The fence would not be adjacent to a highway so the one metre height limitation at (a) of paragraph A.1 does not apply. The height of the replacement fence would be 1.8 metres, thereby satisfying the limitation at (b) of paragraph A.1.

14 *Conclusion*

For the reasons explained in this Statement, the proposed works would comprise permitted development under Parts 1 and 2 of Schedule 2 of the GPDO 2015 and the Council is requested to issue a lawful development certificate to that effect.

ANTHONY R J KEEN
BA MSc DipTP DipPhil MRICS MRTPI

May 2019