

LDC (Proposed) Report		Application number	2019/2562/P
Officer		Expiry date	
Tony Young		11/07/2019	
Application Address		Authorised Officer Signature	
Foley House 11 East Heath Road London NW3 1DA			
Conservation Area		Article 4	
Hampstead		Article 4 Direction (heritage & conservation) Article 4 Direction (basements)	
Proposal			
Replacement of existing 1st floor balcony and glazed balustrade to annexe building (aka 'The Treehouse') with like-for-like balcony and balustrade.			
Recommendation:		Issue Certificate	

Introduction

The application site includes the Grade II listed Foley House dating from c1771 with some later additions. The building sits within a large square plot of land located between the junctions of East Heath Road (to the north-east) with Well Road (to the north-west) and Well Walk (to the south-east). This part of East Heath Road winds up a hill (from south to north) and forms the boundary between Hampstead and Hampstead Heath.

Planning permission (2009/2777/P) was granted in 2010 for the “*Erection of a two storey ancillary building for works/studio space in connection with the main dwelling following the demolition of the existing garage.*”

This permission was implemented and a 2-storey annexe building (aka ‘The Treehouse’) was built in the western corner of the application site, fronting onto Well Road that provides a work/studio space for the occupiers of Foley House ancillary to the existing residential use of the main dwelling.

This current application seeks confirmation that works to replace an existing 1st floor balcony and glazed balustrade that forms part of ‘The Treehouse’ does not constitute development such that planning permission would not be required.

Applicant’s evidence

Site location plan; (LXA-1367-)020-EX, 020-EX (photo sheet), 021-EX, 100-GA, 101-GA; Cover letter from Leith Planning Ltd (ref. LPL751) dated 16/05/2019.

Assessment

Development is defined by section 55 of the 1990 Town and Country Planning Act as ‘the carrying out of building, engineering, mining or other operations, in, on, or under land or the making of any material change in the use of any buildings or other land’.

For the purposes of this Act “building operations” includes—

a) demolition of buildings;

- b) rebuilding;
- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

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 proposed development is for the exact like-for-like replacement of the existing 1st floor balcony and glazed balustrade that forms part of 'The Treehouse'. The applicant has provided sufficient evidence which demonstrates that the proposed balcony and balustrade would be identical to the existing and that there would be no material alteration to the external appearance of the annexe building.

The proposed replacement balcony and balustrade therefore involves alterations which do not materially affect the external appearance of the annexe building, and as such, falls outside the scope of development as defined above such that planning permission is not required.

Recommendation: Grant certificate of lawfulness