

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	16/07/2019
		N/A		<b>Consultation Expiry Date:</b>	N/A
<b>Officer</b>			<b>Application Number(s)</b>		
Adam Greenhalgh			2019/2630/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
6 Lindfield Gardens London NW3 6PU			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of a single storey building within the rear garden area of existing dwelling house, incidental to the enjoyment of the existing dwelling house					
<b>Recommendation(s):</b>		Grant Certificate of Lawfulness for Proposed Development			
<b>Application Types:</b>		Certificate of Lawfulness (Proposed Development)			

<b>Conditions/Reasons for Refusal:</b>	N/A			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Adjoining Occupiers:</b>	No. of responses	<b>0</b>	No. of objections	<b>0</b>
<b>Statutory consultation:</b>	No consultation undertaken other than e-alerts and the weekly list.			
Heath & Hampstead Society	<p>Objection:</p> <ol style="list-style-type: none"> <li>1. Harm to character and appearance of Conservation Area</li> <li>2. Potential future use as a separate dwelling</li> <li>3. Loss of green, sustainable garden space</li> </ol> <p><b><u>Officer response:</u></b> <i>The application is for a Certificate of Lawfulness for permitted development under the Town and Country (General Permitted Development) Order. The above objections, which are based on the planning merits of the proposal, cannot be taken into consideration in the determination of the application, which must be undertaken in accordance with the legislation and the criteria within it (which is assessed within the report below). The terms of reference for Member's Briefing require there to be a relevant material objection to the application from an amenity group, Ward Councillor or three or more respondents from different addresses. In this instance the objections are not considered to be relevant material objections in the decision making process. As the outbuilding only needs to conform to criteria within legislation its harm to the character and appearance cannot be taken into consideration; permitted development precludes using the building as a separate dwelling (this would require planning permission) and the loss of garden space is not a relevant consideration over and above criteria E.1(a) of which this development complies.</i></p>			
<b>Site Description and Proposal</b>				
<p>The application relates to the rear garden of a single dwellinghouse.</p> <p>The proposal is for the erection of an outbuilding within the rear garden area. The outbuilding would be for purposes incidental to the enjoyment of the main existing dwelling house (i.e. a garden room, gym and store).</p>				

The proposed outbuilding would be single storey building in height, it would have a dual pitched roof to a maximum height of 4.0m. The eaves would be at 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 within 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."*

### Assessment

The proposed development is assessed against the criteria within Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015:-

#### 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)	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)?	No
E.1 (b)	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 (c)	Would the building have more than one storey?	No
E.1 (d)	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?	No
E.1 (e)	Would the height of the eaves of the building exceed 2.5 metres?	No
E.1 (f)	Would the building, enclosure, pool or container be situated within the curtilage of a listed building?	No
E.1 (g)	Would it include the construction or provision of a veranda, balcony or raised platform?	No

**Conclusion:**

The proposal complies with the criteria for permitted development under Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).