

Application ref: 2019/2776/P
Contact: Kate Henry
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Date: 7 August 2019

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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2015

Certificate of Lawfulness (Proposed) Part Refused Part Granted

Address:
6 Conybeare
London
NW3 3SD

Proposal:
i) Insertion of new window;
ii) Insertion of 5x rooflights;
iii) Erection of roof railings and
iv) Replacement garden fence

Drawing Nos: GA001-A; GA100-A; GA101-A; GA102-A; GA103-A; GA200-A; GA201-A; GA202-A; GA203-A; GA301-A; Supporting Statement, dated May 2019.

The Council has considered your application and decided to split its decision in respect of the Certificate of Lawfulness for a Proposed Use or Development as follows:-

a) to REFUSE Certificate for (iii) the erection of roof railings as shown on the above referenced drawing numbers which would not be lawful within the meaning of s192 of the Town and Country Planning Act 1990 for the following reasons

Reasons for Refusal

- 1 The proposed roof railings are not permitted under The Town and Country

Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class C.1(b) as the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

- 2 The proposed roof railings are not permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class C.1(c) as the alteration would result in the highest part of the alteration being higher than the highest part of the original roof.
- 3 The proposed roof railings are not permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class A.1(k) as the proposal would include the provision of a roof terrace.

b) to GRANT Certificate for (i) the insertion of new window, (ii) the insertion of 5x rooflights; and (iv) replacement garden fence as shown on the above referenced drawing numbers which would be lawful within the meaning of s192 of the Town and Country Planning Act 1990 for the following reasons

Reasons for Grant:

- 1 The proposed new window constitutes permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class A.
- 2 The proposed rooflights constitute permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class C.
- 3 The replacement fence constitutes permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 2, Class A.

Informative:

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework. The application is part refused for the development that does not conform to the relevant provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and part approved for the development that is in accordance with the relevant provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The full reasons for this decision are outlined above and are detailed within a delegated Officer's Report. If the applicant is aggrieved by the decision the applicant may appeal to the Secretary of State under section 195 of the 1990 Act (appeals against refusal or failure to give decision on application).

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the name of the signatory.

Daniel Pope
Chief Planning Officer

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