

Portfolio Town Planning

Ref: PTP036 andrew@portfolio-tp.co.uk Kemp House, 152 City Road, London EC1V 2NX

20 December 2019

Planning and building development
Camden Council
London Borough of Camden 2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London
WC1H 9JE

Planning Portal ref: PP-08362365

Dear Sir/Madam

30 Heath Drive, London NW3 - Application for a Lawful Development Certificate for a Proposed Use or Development

I write on behalf of my clients, Mr and Mrs Green, who wish to make an application under Schedule 2, Part 1, Classes E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO).

The proposed works to which this application relates solely to the rear garden of the above property and (as shown in full detail within the accompanying drawings) comprise:

- Brick paving between the house and garden;
- Granite stone steps from paving to garden;
- Alterations to existing retaining timber walls , including partial replacement with retaining wall structures at the front, back (south-east) and north-east side of the rear garden;
- Construction of steel retaining wall structures within rear garden (note: non-boundary walls);
- The planting of 7 new trees;
- An outdoor swimming pool with a 300mm wide edging and adjacent paving of the same material;
- New planting beds as per proposed plan;
- Instalment of a Trampoline (fixed structure);

- Wooden wall & seat installed without foundation on top of the paving in front of the house.

In pursuit of this application, please find enclosed the following drawings and materials:

- This covering letter;
- Application form;
- Completed CIL form;
- 1:1250 Site Location Plan (dwg. no. P001) with the site hatched in red and including north point, scale bar, two named roads;
- Rear Garden Landscape (existing photos);
- Existing Drawings (all 1:100 scale @ A3/1:50 @ A1):
 - EXISTING SURVEY PLAN Dwg. no. ExA_1976_102;
 - EXISTING SECTIONS 01 Dwg. no. ExA_1976_503;
 - EXISTING SECTIONS 02 Dwg. no. ExA_1976_504;
- Proposed Drawings (all 1:100 scale @ A3/1:50 @ A1):
 - GENERAL ARRANGEMENT PLAN Dwg. no. ExA_1976_101 Rev C;
 - GROUND FLOOR SECTIONS 01 Dwg. no. ExA_1976_501 Rev C;
 - GROUND FLOOR SECTIONS 02 Dwg. no. ExA_1976_502 Rev B;

The requisite application fee of £103 has been paid via Planning Portal (see relevant reference no. at the top of this letter).

An assessment of the works against the relevant sections of the GDPO is provided within this covering letter below.

Planning Assessment

Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended.

Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for

planning permission. The following Classes under Part 1 Schedule 2 of the order are relevant to the rear garden proposals:

Class E of Part 1 of Schedule 2 of the Order sets out the permitted development criteria for:

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 Class E sets out the rules on permitted development for buildings etc within the curtilage of a house (see page 7).*

The term "*Building*" is defined within the Government's "Permitted development rights for householders Technical Guidance" (September 2019) and "*includes any part of a building and includes any structure or erection, but does not include mechanical plant or machinery or gates, fences, walls, or other means of enclosure*".

Page 41 of the Government's "Permitted development rights for householders Technical Guidance" (September 2019) states that Class E allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. "*Examples could include "common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house"*.

Class E is considered to be relevant to the consideration of the following proposed works, which are all incidental to the enjoyment of no. 30 Heath Drive:

1. The proposed outdoor swimming pool
2. Fixed trampoline
3. Alterations to existing retaining timber walls , including partial replacement with retaining wall structures at the front, back (south-east) and north-east side of the rear garden*
4. Steel retaining wall structures (See plan & sections)*
5. Wooden wall & seat structure installed without foundation on top of the paving in front of the rear garden near to the rear of the house

* Part 2 of the GDPO is not considered to be relevant to these works, as they are structures that do not perform the function of an enclosure with a neighbouring property.

Class F of Part 1 of Schedule 2 of the Order provides permitted development rights within the curtilage of a house for the provision of hard surfaces for any purpose incidental to the enjoyment of the dwellinghouse as such or the replacement in whole or in part of such a surface, subject to any hard surfaces on land between the principal elevation and the highway (e.g. driveways) being made of porous materials and/or direct run off into permeable/porous surfaces.

Class F is considered to be relevant to the consideration of the following proposed works:

1. Brick paving between the house and rear garden; and,
2. Granite stone steps from paving to rear garden.

The planting of 7 new trees and new planting beds does not require the benefit planning permission.

Class E Works

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	
E.1 (a)	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of [Class M, N, P, PA or Q of Part 3] of this Schedule (changes of use)
	No.

E.1 (b)	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. The total site area minus the original dwellinghouse is 669m ² . The total area covered by buildings when taking into account the existing rear extension, existing bin store within the front garden, fixed trampoline and the proposed pool is less than 80 sqm.
E.1 (c)	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 (d)	Would the building have more than one storey?	<u>Swimming pool</u> No. <u>Retaining wall structures, fixed trampoline and seat structure</u> No. The plans and drawings are annotated and show that the retaining wall structures are to replace existing. All structures are less than 2m above the existing ground level adjacent to their location within the rear garden.

E.1 (e)	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?	<p><u>Swimming pool</u></p> <p>No.</p> <p><u>Retaining wall structures, fixed trampoline and seat structure</u></p> <p>No. The plans and drawings are annotated and show that all new and replacement structures and the fixed trampoline are less than 2m above the existing ground level adjacent to their location within the rear garden.</p>
E.1 (f)	Would the height of the eaves of the building exceed 2.5 metres?	No.
E.1 (g)	Would the building, enclosure, pool or No container be situated within the curtilage of a listed building?	No. All works are within the curtilage of. 30, which is not listed.
E.1 (h)	Would it include the construction or provision of a veranda, balcony or raised platform?	No.
E.1 (i)	Does it relate to a dwelling or a microwave antenna?	No.
E.1 (j)	Would the capacity of the container exceed 3,500 litres?	No. The proposals do not relate to a container used for domestic heating purposes.
Is the property in a conservation area? If yes to the question below then the proposal is not permitted development		

E.3	Would any part of the building, enclosure, pool or container be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?	No. The works are all proposed within the rear garden and not between a side elevation and boundary.
-----	---	--

Excluding the excavation of the pool, the landscape proposals also involve the excavation of 17.5 cubic metres of earth in total (excluding the excavation of the swimming pool itself). These minor works of excavation are incidental to the erection of the proposed structures permitted under Class E and ancillary to the activity that benefits from permitted development rights, with no appreciable impact in planning terms.

Class F Works

The resurfacing of the rear garden with brick paving and granite stone steps from paving to garden is PD under Class F, which provides permitted development rights within the curtilage of a house for the provision of hard surfaces for any purpose incidental to the enjoyment of the dwellinghouse as such or the replacement in whole or in part of such a surface.

Other works shown on the proposed drawings

The planting of 7 new trees and new planting beds does not require planning permission.

Existing Trees

The property is located within the Redington and Frogna Conservation Area and all mature trees situated on or adjacent to the garden are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require applicants to notify the local planning authority, using a 'section 211 notice', six weeks before carrying out certain work on such trees.

Existing trees on and adjacent to the curtilage of the property have been identified on the proposed plan (T8 Apple Tree, T9 False Acacia and T10 Birch). The proposed plan indicates the existing tree root protection area for each of these trees and confirms that within these areas existing levels will be maintained and that any new planting is to be hand dug.

The applicant would also be required to submit a Section 211 notice to the Council if the proposed development would impact upon the root structures of these trees. It is

requested that an informative will be added to any decision notice, reminding the applicant of this obligation.

Conclusions

For the reasons set out above, the proposed works are permitted development under Schedule 2, Part 1, Class E and Class F of the Town and Country Planning (General Permitted Development) Order 2015.

I trust that the above information is sufficient for the application to be registered and approved at the earliest opportunity. In the interim, please do not hesitate to contact me with any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Vaughan', followed by a period.

Andrew Vaughan

Director