

LDC Report	10/01/2020
Officer	Application Number
Leela Muthoora	2019/2441/P
Application Address	Recommendation
30 Ulysses Road London NW6 1EE	
1st Signature	2nd Signature (if refusal)
Proposal	
Existing single storey rear extension to house (Class C3).	
Assessment	
<p>The application site is a two plus attic storey building in use as a single-family dwelling house on the northern side of Ulysses Road.</p> <p>The building is not a listed building, is not within a Conservation Area and is not subject to restrictions by an Article 4 Direction.</p> <p>The application seeks to demonstrate that the single storey rear extension has existed for a period of 4 years or more such that the continued use would not require planning permission.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Account summary from construction company, Loop, dated 14 April 2014. • Invoice from construction company, Loop, dated 09 January 2014. • Schedule of attendance and obligations, ref: E0391 from construction company, Loop, dated 8 July 2013. • Estimate and programme of works from ref: ref: E0391 from construction company, Loop, dated 08 July 2013. • Photographs dated 2014. • Email discussions with construction company, Loop, dated 2013 to 2014. <p>The applicant has also submitted the following plans:</p> <ul style="list-style-type: none"> • A site location plan outlining the application site 11/905/05 dated 02/10/2013 	

- Drawings of the existing rear extension dated 2013, showing a mono-pitched roof with two rooflights.
- Drawings of the existing rear extension dated 2013, showing a mono-pitched glazed roof.
- Existing drawing ground, first, second and loft floor plans number 13/1026/03, dated 02/10/2013.
- Proposed front, rear, side A and side B elevation drawings number 13/1026/04, dated 02/10/2013.

Council's Evidence

The relevant planning history on the subject site.

2011/6447/P: Erection of a rear extension at second floor level in connection with existing dwellinghouse (Class C3). Granted 06/03/2012.

2012/0209/P: Erection of dormer roof extension to provide additional habitable space, including installation of french doors with Juliette balcony and window at rear second floor level and rooflight at front to dwelling house (Class C3). Granted 27/03/2012.

A site visit to the property was undertaken on the 21 November 2019. The officer was satisfied the layout of the property corresponds correctly to the submitted plans and the rear extension had been occupied and in residential use for some time.

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the "balance of probability", and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The Council does not have any evidence to contradict or undermine the applicant's version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the rear ground floor extension was constructed and has existed been in residential use for a period of more than 4 years as required under the Act. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

Recommendation: Approve