

Application ref: 2019/5665/P
Contact: Kate Henry
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Date: 13 March 2020

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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Existing) Granted

The Council hereby certifies that on the 10 December 2019 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

First Schedule: Excavation of single storey basement

Drawing Nos: Cover letter, dated 08/11/2019; Site Location Plan; Existing basement plan (updated 09/03/2020 to include revised outline of existing dwelling); Existing section plan; Sworn affidavit of Hassan Malik (dated 16/10/2019) (employee of owner), including Specification of Building Work for Extension and Refurbishment (dated 24/08/2015) & Kube Creations - Construction Attendance Report (dated 16/01/2017); Email correspondence between LB Camden and contractor 17/03/2016 to 14/04/2016; Photographs of basement construction (dated 11/04/2016)

Second Schedule:

28 Harley Road
London
NW3 3BN

Reason for the Decision:

- 1 Sufficient evidence has been provided to demonstrate that, on the balance of probability, the building works described in the First Schedule were substantially completed before the Article 4 direction removing permitted development rights for all basement excavations came into force on

01/06/2017; and at the time the works were substantially completed, the works would have constituted permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class A.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.