

28 February 2020

FAO Chief Planning Officer
Planning Department
Camden Borough Council
5 Pancras Square
London
N1C 4AG

Dear Sir/Madam,

Re: Application for a Certificate of Lawfulness for Existing Use or Development at 142 Bayham Street, London, NW1 0BA

I am pleased to support an application for a Certificate of Lawfulness for Existing Use or Development (CLEUD) at 142 Bayham Street. This letter will introduce the meaning of 'development' in accordance with the Town and Country Planning Act and introduce the allowances of the General Permitted Development Order (GPDO) 2015, as amended. This letter shall set out how the development accords with the provisions and conditions as set out within the GPDO to enable determination by the planning officers at the Council. The conclusion reached is that the development is lawful and should be duly granted a CLEUD.

This letter is accompanied by the following plans:

- 103 - 142 Bayham Street - Proposed 3 Metre Plans;
- 104 - 142 Bayham Street - Proposed 3 metre Elevations.

Relevant Legislation

Section 55(1) of the Town and Country Planning act 1990 includes 'the carrying out of building, engineering, mining or other operations in, on, over or under land' within its definition of 'Development'. The construction of extensions to the host dwelling is considered to fall within this definition.

In this instance, the development is already under construction, and so an 'existing' lawful development certificate is sought. However, as the development is less than 4 years old, it is permitted by the GPDO rather than section 171B1 of the Act.

The GPDO provides householders with permitted development rights to extend their homes under Schedule 2, Part 1, Class A which permits *the enlargement, improvement or other alteration of a dwellinghouse* subject to according with the relevant criteria set out overleaf;

Development not permitted

A.1 Development is not permitted by Class A if—

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The dwelling has not been approved by these classes and so there is no conflict with this limitation.

b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of the ground covered of the cumulative extensions is less than 50% of the total area of the curtilage, as per the accompanying plans and so there is no conflict with this limitation.

c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the extension does not exceed the height of the highest part of the roof of the existing dwellinghouse, as per the accompanying plans and so there is no conflict with this limitation.

d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves does not exceed the height of the eaves of the existing dwellinghouse, as per the accompanying plans and so there is no conflict with this limitation

e) the enlarged part of the dwellinghouse would extend beyond a wall which—
i. forms the principal elevation of the original dwellinghouse; or
ii. fronts a highway and forms a side elevation of the original dwellinghouse;

The development is to the rear of the property and so there is no conflict with this limitation.

f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
i. extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
ii. exceed 4 metres in height;

The single-storey extension is one storey and extends 3m from the rear wall of the original dwellinghouse and is less than 4m in height. Therefore, the development complies with this constraint.

- g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—*
- i. extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or*
 - ii. exceed 4 metres in height;*

Not relevant for proposals at this site. The development is compliant with condition A1(f).

- h) the enlarged part of the dwellinghouse would have more than a single storey and—*
- i. extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*
 - ii. be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;*

The proposed development is single storey and so there is no conflict with this limitation.

- i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*

The height of the eaves does not exceed 3m, therefore there is no conflict with this limitation.

- j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—*
- i. exceed 4 metres in height,*
 - ii. have more than a single storey, or*
 - iii. have a width greater than half the width of the original dwellinghouse; or*

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

The proposed extension joins onto the original dwellinghouse and therefore this limitation does not apply to this development. There are no other extensions to the property.

- k) it would consist of or include—*
- i. the construction or provision of a verandah, balcony or raised platform,*
 - ii. the installation, alteration or replacement of a microwave antenna,*
 - iii. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
 - iv. an alteration to any part of the roof of the dwellinghouse.*

This application is for a single-storey extension only, none of the developments listed above are applicable to this application and therefore do not limit the development.

The conditions denoted in A.2 refer to the case of a *dwellinghouse on article 2(3) land*. Therefore, these provide no limitation for development on this site.

Conditions

A.3 *Development is permitted by Class A subject to the following conditions—*

a) *the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*

The materials used for the development, as listed/detailed on plans 104 – 142 Bayham Street – Proposed 3 metre Elevations, are a similar appearance to match the existing exterior of the dwellinghouse.

b) *any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—*

- i. obscure-glazed, and*
- ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and*

Not relevant for the proposed development since the proposal is for a single storey.

c) *where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

The proposed development is a single storey and therefore there is no conflict with this limitation.

The conditions denoted in A.4 *apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g)*, therefore these conditions are not relevant for this application.

There are no other limitations in the GPDO relevant to this application. Thus it is suitably demonstrated that the proposed development complies with the GPDO and is therefore lawful.

I trust that this letter, in addition to the accompanying plans are sufficient for you to make a determination. If you require additional information please do not hesitate to contact me.

Yours faithfully,



Emily Temple BSc (Hons) MSc MRTPI
ET Planning