

LDC (Proposed) Report		Application number	2020/0913/P
Officer		Expiry date	
Leela Muthoora		20/04/2020	
Application Address		Authorised Officer Signature	
21 Maresfield Gardens London NW3 5SD			
Conservation Area		Article 4	
Fitzjohns/Netherhall		Yes (related to basement development only)	
Proposal			
Erection of a garden building for use incidental to dwelling house (Class C3).			
Recommendation:		Grant lawful development certificate	

Assessment: The application site comprises of a detached property arranged over 4 storeys situated on the western side of Maresfield Gardens. The site is within the Fitzjohns/Netherhall Conservation Area and identified as a building that makes a positive contribution. The site is not subject to any Article 4 directives, which might remove these permitted rights.

The development relates to the erection of a building incidental to the enjoyment of the dwelling house and is assessed against the criteria in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed outbuilding has 'eaves' ranging from 1.8 to 2.4m high along the 3 rear boundaries of the garden. However it is on all sides no more than 2.5m height above adjoining ground levels, in accordance with the requirements of Class E.1 (e), even though the building is partly sunken into the ground.

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		Yes/no
E.1 (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).	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
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?	No
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?	N/A No N/A
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 container be situated within the curtilage of a listed building?	No
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?	N/A
E.2	Is the property in (a) an area of outstanding natural beauty; (b) the Broads; (c) a National Park; or (d) a World Heritage Site, if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	N/A
Is the property in a conservation area (article 2(3) land)? If yes to any of the questions 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
Interpretation of Class E		
E.4	For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.	

* The land referred to as article 2(3) land is the land described in Part 1 of Schedule 1 to Town and Country Planning (General Permitted Development) (England) Order 2015/596 (National Parks, areas of outstanding natural beauty and conservation areas etc).