

Certificate of Lawful Development
11 Lyndhurst Terrace NW3 5QA

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CERTIFICATE OF LAWFULNESS APPLICATION

Address - New Mount, 11 Lyndhurst Terrace, London NW3 5QA

Application – That a meaningful start has been made to planning permission reference number CTP/F7/2/2/35037 for the erection of additional sun room at roof level by the raising of the height of the roof to the water tank storage room, the provision of a WC and corridor at roof level.

Introduction

This application seeks to confirm that planning permission CTP/F7/2/2/35037 granted on 29th November 1982 remains extant on the basis that development had begun in line with the requirements of the attached planning condition. This permission was for;

Erection of additional sun-room at roof level

The sole planning condition attached to it stated:

The development hereby permitted must be begun not later than the expiration of five years from the date on which this permission is granted.

Copies of the permission CTP/F7/2/2/35037 and approved plan 629/11 are attached as Appendix 1 to this statement.

Although development had begun, following the grant of planning permission in November 1982 with some initial building works and alterations having been carried out, it was never completed and this remains the case to the present day. Today, planning permission CTP/F7/2/2/35037 is considered to remain valid and capable of completion. This is because, since the temporary cessation of building works to implement the second sun room, no other building operations, alterations or works have been carried out and no other planning permission has been implemented that could be considered as superseding this planning permission.

The Council have in the past confirmed the status of planning permission CTP/F7/2/2/35037 being extant and capable of completion, details of which are given below and reconfirmation is now being sought to this effect.

The Planning Background

Set out below are those planning permissions pertinent to the issue of the commencement of works in relation to planning permission CTP/F7/2/2/35037. The Council records show also a number of other planning applications that have been submitted and approved over the years for roof extensions, including new replacement sun rooms, but none of these have been implemented. Consequently the structure on the roof today reflects exactly what existed following the commencement of works following the grant of planning permission CTP/F7/2/2/35037. The relevant planning permissions are set out below

The original block of flats

1970

Following the grant of planning permission in the late 1960's a new five storey block of flats known as 'New Mount' was completed and this is the building which exists on the site today.

The new block comprises four (one bedroom) flats, five (two bedroom) flats and one (three bedroom) penthouse flat at the top on the fifth floor.

The building was completed with an enclosure on the main roof to house the water tank and lift overrun.

A photo of the building block flat as it stands today is attached as Appendix 2.

The first sun room

August 1976

On 24th August 1976 planning permission (Council ref: CTP/F7/2/2/23082) was granted for a sun room on the roof (referred here as the first sun room). This permission was subsequently implemented and completed. A copy of the approved plan (Dwng No. 692/11) is attached as Appendix 3 to this statement

The second sun room [subject of this application]

November 1982

On 24th November 1982 planning permission (Council ref: CTP/F7/2/2/35037) was granted to construct the second sun room the subject of this application (Appendix 1).

Works to implement this development commenced but never completed. The works that were carried out were the raising the height of the water storage tank room provision of a WC and corridor, so as to allow the creation of minimum headroom for the proposed link between the existing sun room and the new sun room together with renewing the roof covering over the fifth floor penthouse flat where the new sun room was to be located.

Unfortunately, works to fully implement this permission had to stop due to ill health of the owner and his subsequent death.

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No further works were ever carried out.

November 2004 On 5th November 2004 planning permission (Council ref: 2004/3974/P) was granted for two new sun rooms involving the demolition of the existing sunroom. The description of development was:

‘Demolition of existing sunroom at fourth floor/roof level, and replacement by the construction of two new sunrooms, as an extension to the existing third floor flat, plus extended roof terrace and associated balustrading.’

This permission was not implemented.

Of specific relevance to this current Certificate of Lawful Development application are three documents relating to the Nov 2004 approval. These are:

- i) The Architect’s report – The report sets out the timeline of the construction of the original block of flats and subsequent planning permissions relating to the first sun room that was actually built (1976) and the commencement of works to the second sun room (1982) that was never completed.
- ii) Affidavit attached to the Architect’s report (i) above - The report included an affidavit made by the architect of the second sun room, Jeffrey Howard of Jeffrey Howard Associates on 27th May 2004 to confirm the start of works in respect of the second sun room and then the suspension of the works due to the illness and later death of the original owner.

It is to be noted that Jeffrey Howard was the architect of the building when first built and also the architect for the first sun room.

- iii) Council’s delegated report [Expiry Date 8th November 2004] – In carrying out the assessment for the new sunrooms, the planning case officer made clear in the report [Expiry Date 8th November 2004] that the 1982 permission for the second sun room remained extant and was a material consideration. It stated specifically;

‘The previous 1982 permission is still able to be implemented fully, thus assessment of the current application needs to take into account of this possibility.’

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A copy of the planning decision notice, approved plans, Council's delegated report, Architect's report and affidavit are attached as Appendix 4 to this statement.

April 2008 On 8th April 2008 planning permission (Council ref: 2007/6354/P) was granted for an amendment to the November 2004 permission (2004/3974/P) as referred to above. The description of development was;

Extension at roof level to provide additional habitable accommodation to the third floor flat including front and rear roof terrace as an amendment to planning permission dated 5/11/2005 (ref: 2004/3974/P) for demolition of existing sunroom at fourth floor/roof level and replacement by the construction of two new sun rooms as an extension to the existing 3rd floor flat plus extended roof terrace and associated balustrading

In the Council's delegated report for this application it was noted under the 'Relevant History' section that the partially complemented second sun room development the subject of this application was partially implemented.

This permission was never implemented

A copy of the Council's decision notice and delegated report, are attached as Appendix 5 to this statement

Summary

The first sun room was built following the grant of planning permission in August 1976 (Council ref: CTP/F7/2/2/23082 – Appendix 3). Then, a physical start on site was made in respect of the second sun room following approval of the planning permission in November 1982 (Council ref: CTP/F7/2/2/35037 – Appendix 1) but that development was never completed.

Since the cessation of works for the second sun room no further works were carried out to the roof in any shape or form. Therefore what exists on the roof today (Photo – Appendix 2) is exactly the same as what existed following the commencement of works, involving the raising the height of the water storage tank room, so as to allow the creation of minimum headroom for the proposed link between the existing sun room and the new sun room together with renewing the roof covering over the fifth floor penthouse flat where the new sun room was to be located.

Evidence to back up the Certificate For Lawful Development

The evidence to support this application, based on a timeline is as follows:

1976

1. Drawing No.629/1 forming part of planning permission CTP/F7/2/2/23082 showing details of the first sun room that was built to completion stage (Appendix 3).

1982

2. Drawing No. 629/11 forming part of planning permission CTP/F7/2/2/35037 showing details of the second sun room as proposed but never completed (Appendix 1);

2004

3. Drawing No LT(PL)03 forming part of planning permission 2004/3974/P showing the roof extension as built with the first sun room and now with the enlarged water tank housing - altered in height to enable the intended connecting link between the two sun rooms (Appendix 4).
4. The Architect's report which accompanied planning application 2004/3974/P (Appendix 4) explaining the commencement of works for the second sun room but never completed.
5. The affidavit made by the architect of the second sun room, Jeffrey Howard of Jeffrey Howard Associates on 27th May 2004 and attached to the Architect's report (Appendix 4) to confirm the start of works in respect of the second sun room and then the suspension of the works due to the illness and later death of the original owner
6. The Council's delegated report (Appendix 4) confirming that planning permission 2004/3974/P remains extant.
7. Photo of 11 Lyndhurst Terrace submitted with application 2004/3974/P.

2018

8. Drawing number LT-111 submitted under cover of planning application 2018/1564/P showing the south elevation as it existed at the time of the submission in 2018. The drawing confirmed the roof with the first sun room and enlarged water storage tank room not being altered following partial implementation of planning permission CTP/F7/2/2/35037 granted in November 1982. A copy of this drawing is attached as Appendix 6 to this statement.

2020

9. Affidavit, dated 30th December 2020 of applicant, the current freeholder, Mr Gideon Black confirming that that since the affidavit made by Jeffrey Howard of Jeffery Howard Associates in 2004 (appendix 4) there have been no other alterations made to the roof up until the present day. A copy of the applicant's affidavit is attached as Appendix 7 to this statement.

Please Note Arrangements can be made for the Council to have sight of the original signed document.

10. .Affidavit, dated 24th December 2020 of applicant's father, Mr Michael Black reconfirming that that since the affidavit made by Jeffrey Howard of Jeffery Howard Associates in 2004 (Appendix 4) there have been no other alterations made to the roof up until the present day. A copy of the applicant's affidavit is attached as Appendix 8 to this statement.

Please Note Arrangements can be made for the Council to have sight of the original signed document.

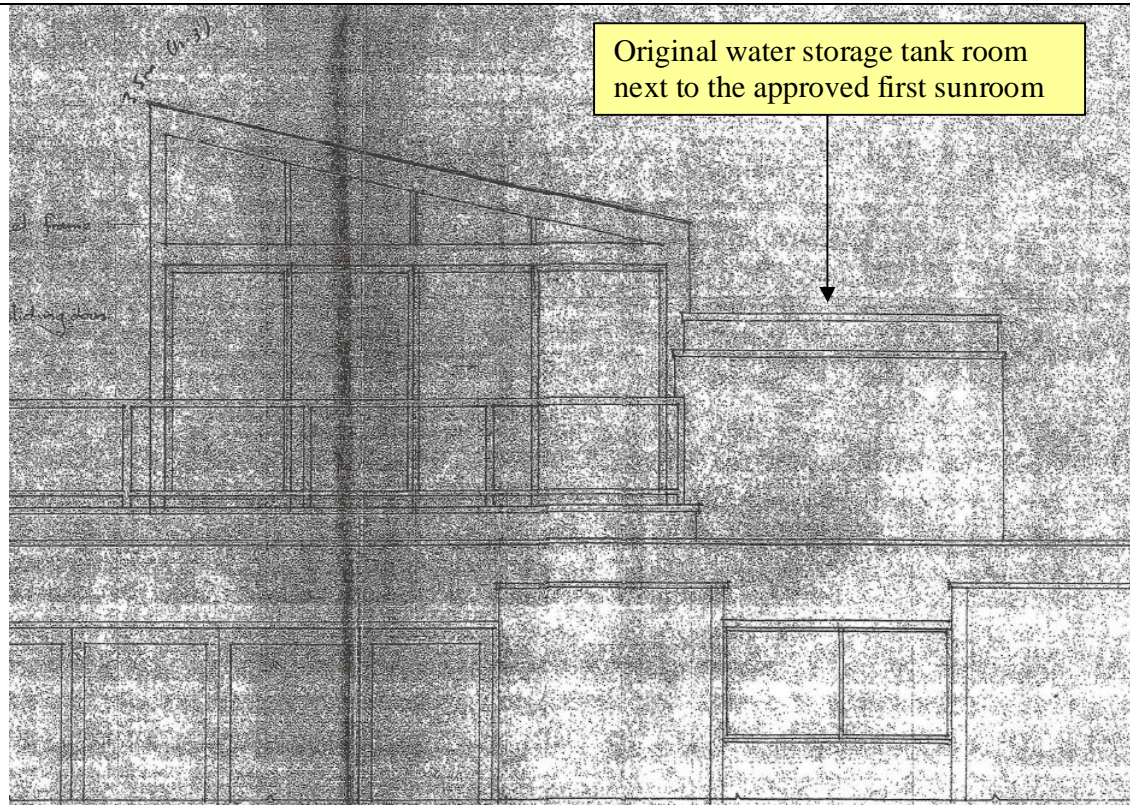
2021

11. Photo taken on 2nd January 2021 of the block of flats at 11 Lyndhurst Terrace NW3 5QA as it stands today and the roof with the first sun room and attached enlarged water storage tank room. Photo is attached as Appendix 2 to this statement and also shown in Figure 7 below.

Timeline summary illustrated with submitted drawings and photographs

1976

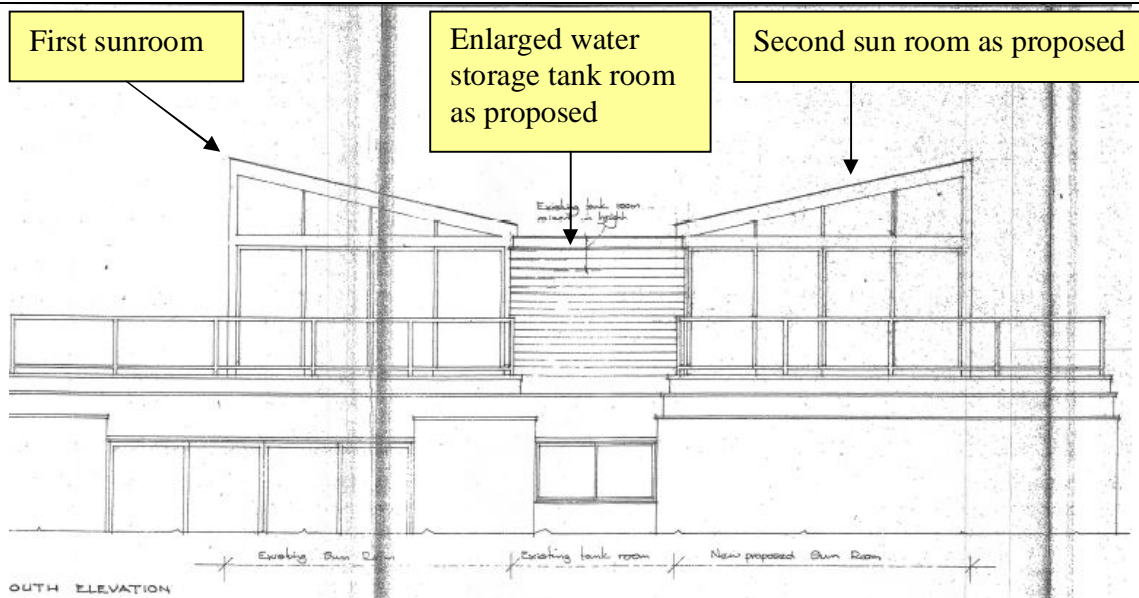
FIGURE 1



Extract from approved drawing CTP/F7/2/2/23082 (Appendix 3) showing the proposed sunroom and next to it the water storage tank room

1982

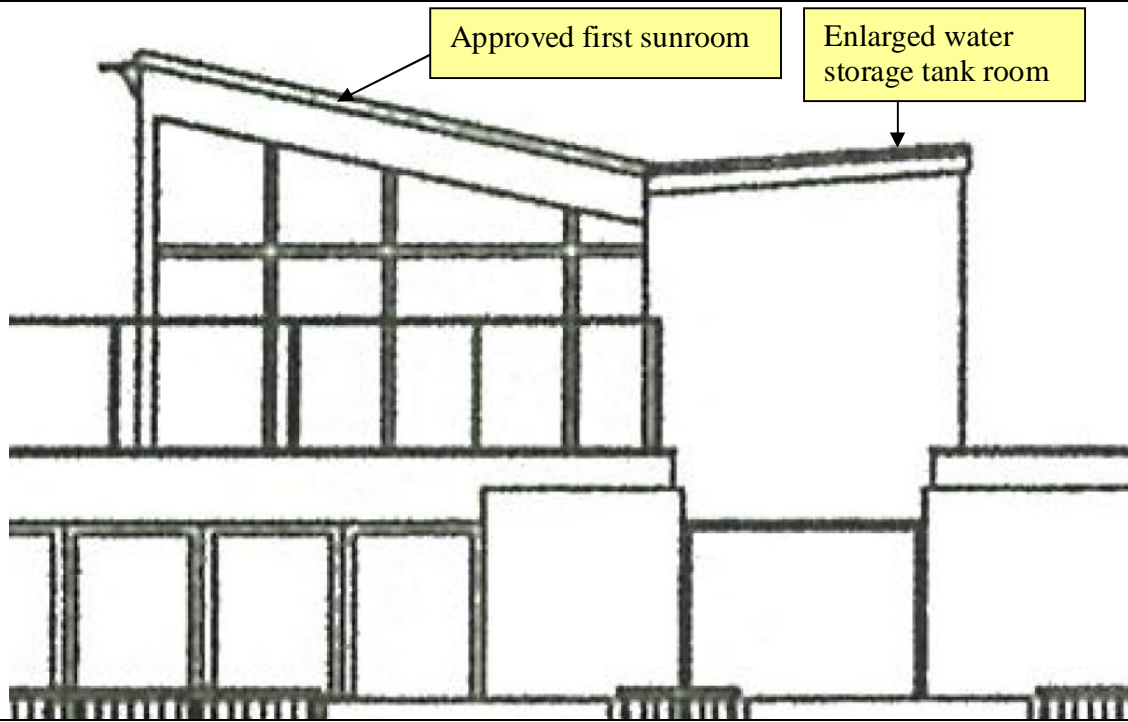
FIGURE 2



Extract from approved drawing 629/11 attached to planning permission (Appendix 1) showing the proposed second sunroom and enlarged water storage tank room next to the first sun room approved and built under cover of CTP/F7/2/2/35037

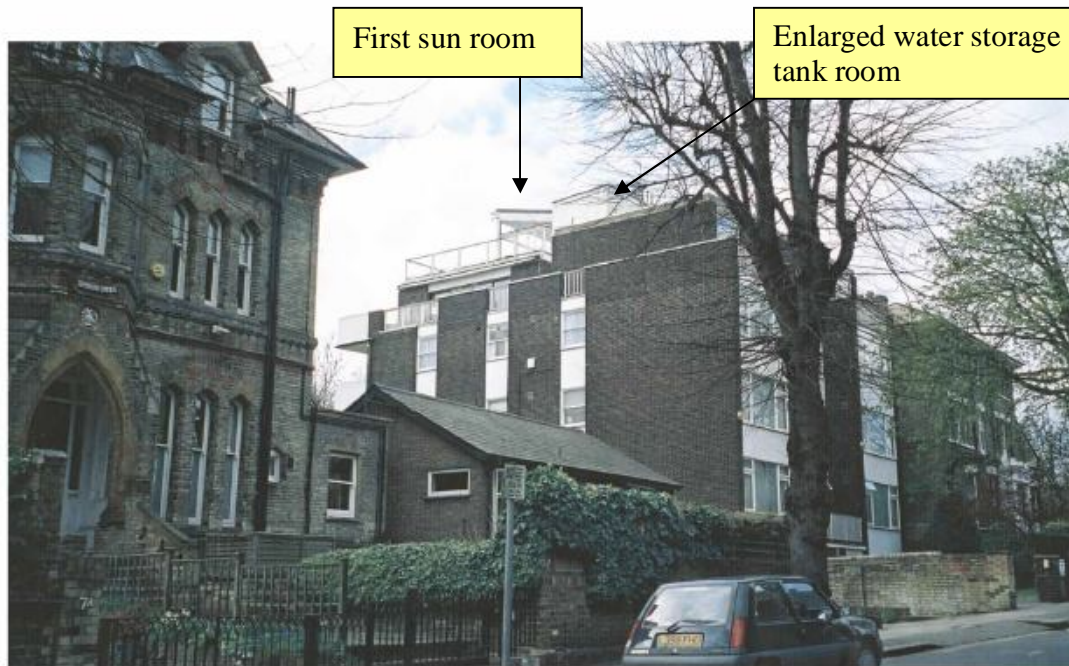
2004

FIGURE 3



Extract from approved drawing LT(PL)03 (Appendix 4) showing existing south elevation with the first sunroom as built and next to it the raised water storage tank room reflecting the commencement of planning permission CTP/F7/2/2/35037 in line with the planning condition requiring commencement within three years following the grant of that planning permission on 29th November 1982. The actual second sun room never built.

FIGURE 4



11 LYNDHURST TERRACE LONDON NW3 AS EXISTING (VIEWED FROM LYNDHURST TERRACE)
This photograph LT/01 was submitted with planning application Ref 2004/3974/P which was approved on 05 November 2004

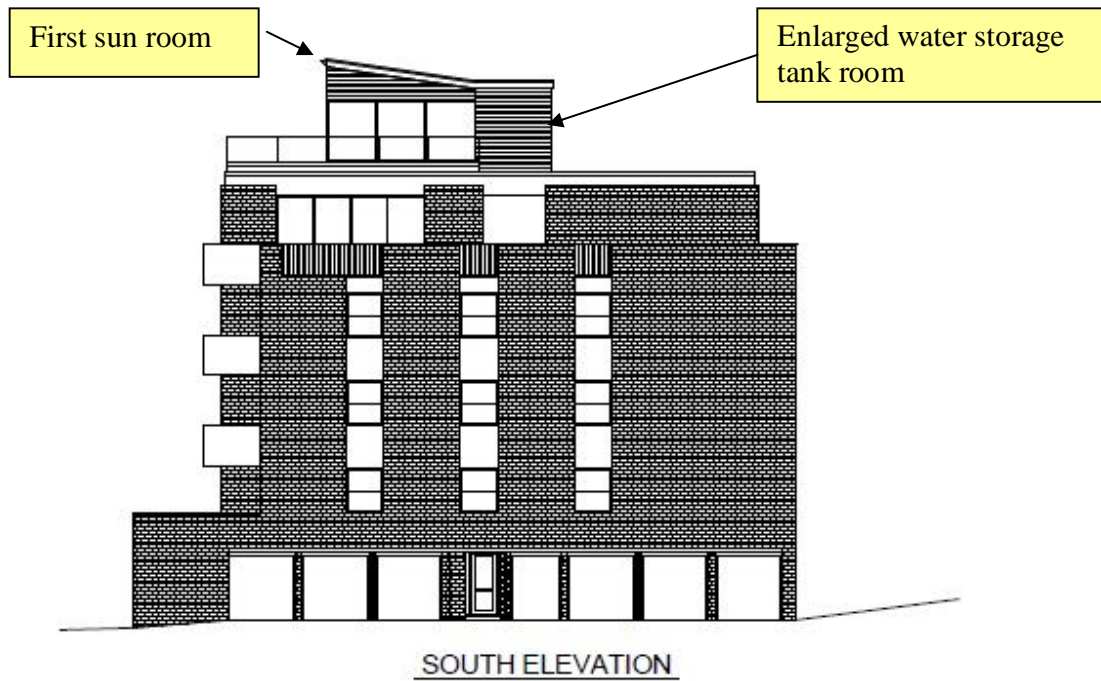
Photograph No. LT/01

Photo taken of 11 Lyndhurst Terrace (application site) to at the time of submission of planning application 2004/3974/P (Appendix 4) showing the first sun room and enlarged water storage tank room reflecting partial implementation of planning permission.

The same photograph was submitted sometime later under cover of planning application 2006/2846/P. Although the application was approved it way never implemented.

2018

FIGURE 5



Extract from drawing number LT-111 (Appendix 6) submitted under cover of planning application 2018/1564 showing the south elevation as it existed at the time of the submission in 2018. The roof with the first sun room and enlarged water storage tank room remain unaltered following approval of CTP/F7/2/2/35037 (Appendix 1).

2020

FIGURE 6



Photo of the first sun room and attached enlarged water storage tank room facing southwards.

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FIGURE 7



Photo taken of 11 Lyndhurst Terrace taken on 2nd January 2021 from approximately the same position as the photo in 2004 (Fig.4 above)