

Application for a Lawful Development Certificate for the commencement of works for a conservatory to the rear of 279 West End Lane, Camden, NW6 1QS.

Town and Country Planning Act 1990, Section 191 as amended by section 10 of the Planning and Compensation Act 1991. Town and Country Planning (General Development Procedure) Order (England) 2015

Client: Sachin Mulane.

Site Information

Consultant	Helen Morris-Ruffle
Client	Sacbjn Mulane
Site Address	279 West End Lane, Camden, NW6 1QS
LA	Camden BC.
Description of Development	Commencement works in connection with a conservatory
Pathway (PD/Application/Appeal)	Lawful Development Certificate

Constraints Review

Flood Risk Zone	Flood Zone 1
Contaminated Land	None known
Tree Preservation Order	None known
Heritage Assets	None
Noise Abatement Areas	None known
Explosive Hazard Areas	Unknown
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	N/A

Local Policy Requirements

Local Plan/Core Strategy	Camden Local Plan 2017
Effective Policies in Development Control	
SPG/SPD's	

Planning History

279 West End Lane London NW6 1QS			
Year	Reference	Description	Link
2013	2013/0485/P - Granted 19-04-2013	Minor material amendment to condition 3 (approved drawings) of planning permission dated 05/12/2012 (ref 2012/5473/P) for the erection of single storey rear extension with two lantern rooflights at lower ground floor level including raising the boundary walls all in connection with the existing restaurant (Class A3), namely replacing the two lantern lights on the flat roof with a single lantern light.	Link
2012	2012/3258/P - Withdrawn Decision	Erection of glazed extension with pitched roof at rear lower ground floor level including raising the boundary walls all in connection with the existing restaurant (Class A3).	Link
	2012/2103/T - No Objection to Works to Tree(s) in CA 25-05-2012	REAR GARDEN: 1 x Sycamore - Remove	Link
	2012/1249/A - Granted 29-05-2012	Display of 1x internally illuminated fascia sign to front and side elevation and 1x internally illuminated hanging sign to front and side elevation at ground floor level.	Link
2005	2005/0889/A - Granted 07-06-2005	The continued display of 2 internally halo-lit fascia signs, the display of one externally spot-lit projecting sign and retractable canopies on front and side elevations.	Link
279 West End Lane LONDON NW6 1QS			
Year	Reference	Description	Link
2012	2012/5473/P - Granted 05-12-2012	Erection of single storey rear extension with two lantern rooflights at lower ground floor level including raising the boundary walls all in connection with the existing restaurant (Class A3).	Link

Nearby

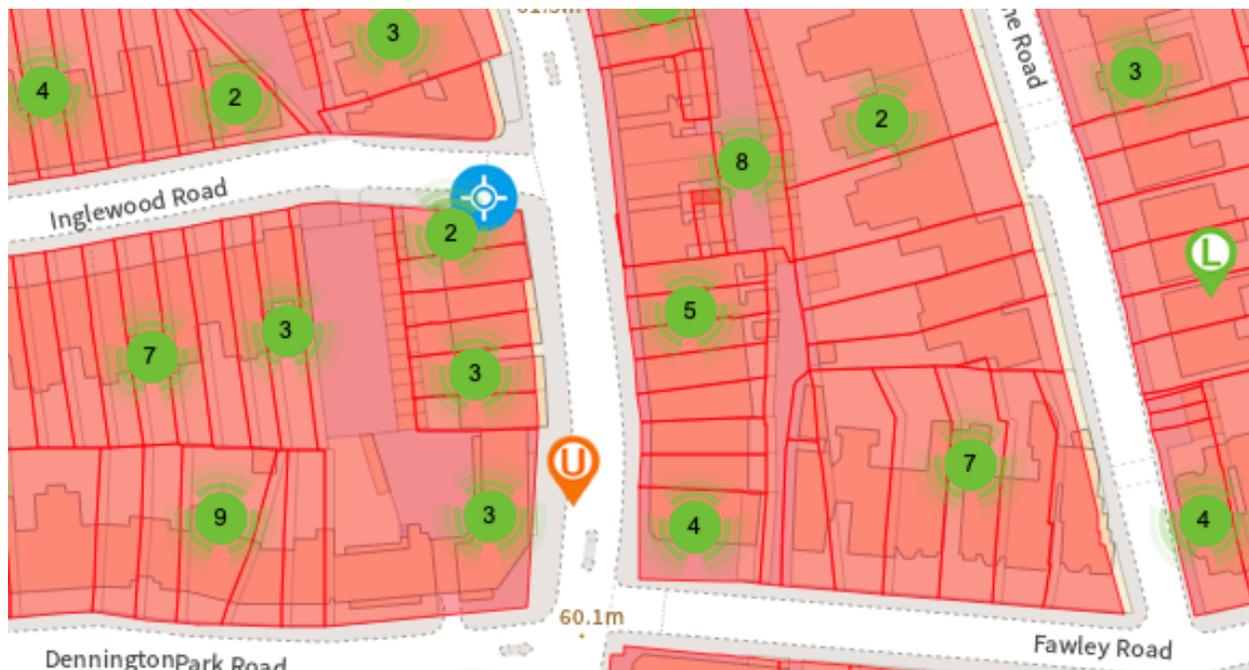
April 2021

Report Date

1. Introduction

1.1 This statement has been prepared to support the following:

Certificate of Lawful Development for the commencement of works in connection with Planning Application 2012/5473/P – Erection of single story rear extension with two lantern rooflights at lower ground floor level including raised boundary walls all in connection with existing restaurant Class A3.



Nimbus Map extract

1.2 The application is submitted by Town Planning Expert who act as planning consultants to the applicant.



Google Map extract

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Jonathan McDermott, Keith Oliver, Helen Morris-Ruffle and Tim Perkins are Chartered Town Planners regulated by the Royal Town Planning Institute

the town planning experts is a trading name of RP(UK) Ltd Registered in England and Wales: 08298125 VAT REG 197 6095 56

2. Site Context

2.1 The application site relates to a three storey end of terrace building with basement on West End Lane on the corner junction with Inglewood Road. The surrounding area is mixed with commercial units at ground floor level with residential above.

The site comprises the commercial element of a prominent corner site forming part of the busy retail street scene of West End Lane.

2.2 The development commenced in October 2015 prior to the lapse of the planning consent comprising ground work, receipts for the works are attached to this application.

3. The Legal Framework

Section 191 Town and Country Planning Act 1990

191 Certificate of lawfulness of existing use or development.

- (1) If any person wishes to ascertain whether—
 - (a) any existing use of buildings or other land is lawful;
 - (b) any operations which have been carried out in, on, over or under land are lawful; or
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.
- (2) For the purposes of this Act uses and operations are lawful at any time if—
 - (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- (3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—
 - (a) the time for taking enforcement action in respect of the failure has then expired; and
 - (b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if—

- (a) the time for applying for an order under section 171BA(1) (a “planning enforcement order”) in relation to the matter has not expired,
- (b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or
- (c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.]
- (4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- (5) A certificate under this section shall—
 - (a) specify the land to which it relates;
 - (b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
 - (c) give the reasons for determining the use, operations or other matter to be lawful; and
 - (d) specify the date of the application for the certificate.
- (6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.
- (7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—
 - (a) section 3(3) of the M1 Caravan Sites and Control of Development Act 1960;
 - (b) section 5(2) of the M2 Control of Pollution Act 1974; and
 - (c) section 36(2)(a) of the M3 Environmental Protection Act 1990.]

4. Proof of Evidence

4.1 The application sees a Certificate of Lawful Development to confirm the commencement of works in respect of planning consent 2012/5473/P for the Erection of single storey rear extension with two lantern rooflights at lower ground floor level including raising the boundary walls in connection with the existing restaurant (Class A3).

4.2 The Planning Act indicates that the applicant is responsible for providing sufficient information to support an application.

4.3 In October 2015 ground works commenced, before the permission lapse. The Applicant did some ground work and the builder excavated 1.5 to 2 metres below ground level and concrete was poured over the foundations for the base of the extension.

4.4 It is considered that there is proof of evidence that the work has commenced and the consent 2012/5473/P is extant and the Certificate of Lawful Development granted.

Appendices in support of Lawful Development application:

Appendix 1 images

Appendix 2 Affidavit

Appendix 3 Builder's quote

Appendix 4 Approved Ground floor plan

Appendix 5 Building Control Quote

Appendix 6 Photo of foundations

Appendix 7 Ground investigation email

Appendix 8 images

Appendix 9 Building Control invoice

Appendix 10 Revised drawing

Appendix 11 Proforma invoice

Appendix 12 Approved sections

Appendix 13 CIS

Appendix 14 Ground Investigation

Appendix 15 Decision Notice