

Application ref: 2021/3614/P
Contact: Nora-Andreea Constantinescu
Tel: 020 7974 5758
Email: Nora-Andreea.Constantinescu@camden.gov.uk
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Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Benjamin Associates Ltd
31 Danemead Grove
Petts Hill
Northolt
UB5 4NX

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule: Construction of loft conversion with rear dormer, following demolition of existing rear dormer, to dwelling.

Drawing Nos: Site location plan; A101 Existing plans, elevations; A102 Existing plans, sections; A101 Proposed plans, elevations; A102 Proposed plans, sections.

Second Schedule:
35 Lupton Street
London
NW5 2HS

Reason for the Decision:

Informative(s):

- 1 The erection of a rear dormer is permitted under Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 The development would only constitute permitted development if the materials

used in any exterior work roof extension subject to the grant of this certificate, shall be of similar appearance to those used in the construction of the exterior of the existing dwelling house, in accordance with Condition B.2 of the Town & Country Planning (General Permitted Development) Order 2015.

- 3 The development subject to the grant of this certificate would only constitute permitted development if any window in the side elevation of the dwelling house is obscure-glazed and non-opening, unless the openable parts of the window are more than 1.7m above the floor of the room in which the window is installed, in accordance with Condition B.2 of the Town & Country Planning (General Permitted Development) Order 2015.
- 4 The development subject to the grant of this certificate, would only constitute permitted development where the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 cm from the eaves of the original roof in accordance with Condition B.2 of the Town & Country Planning (General Permitted Development) Order 2015

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 2021.

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 192 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.