

HANSON ARCHITECTS

RIBA Chartered Practice

Justification of Permitted Development for the garden studio in the rear garden of:

14 Dartmouth Park Avenue
London
NW51JN

27th September 2021

The property is located at 14 Dartmouthpark Avenue, NW5 1JN which is part of the Dartmouth Park Conservation Area and situated in the Sub Area 3 Dartmouth East. Dartmouth park hill, Waterlow Park and Hampstead Heath are within walking distance of the property. The main public transportation links are the Northern Line stations Archway and Tufnell Park.

We propose the construction of a garden studio in the rear of the property.

This document sets out our justification that the proposed works fall within the criteria of Permitted Development. It is based on The Town and Country Planning (General Permitted Development) (England) Order 2015 and takes into account the changes outlined in "The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021.

The Justification:

In accordance with Schedule 2 Permitted development rights, Part 1 Development within the curtilage of a dwelling house, Class E - buildings incidental to the enjoyment of a dwelling house the proposed garden studio is deemed to be permitted development.

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Permitted development

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...

The proposal encompasses an out study and is for a purpose incidental to the enjoyment of the dwelling house therefore the project is categorised as Class E.

Development not permitted by Class E if -

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

(b)

the total area of ground covered by buildings, enclosures and containers within the curtilage (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 by the proposed garden covers less than 50% of the curtilage (excluding the ground area of the original dwelling house).

Curtilage = 270m²

***Allowed cartilage coverage =
50 % > 13.33 %***

***Proposed Area garden studio
= 36m²***

***Percentage of curtilage coverage =
13.33%***

(c)

any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;

The garden studio is situated in the rear of the building and the proposal does not impact the front elevation.

(d)

the building would have more than a single storey;

The garden studio is a single storey building.

(e)

the height of the building, enclosure or container would 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 dwelling house, or

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The garden studio will be situated within 2 meters of the boundary of the curtilage of the dwelling house. The height of the building is no more than 2.50m and is measured from the highest ground level of the sloped terrain in which it has been embedded to reduce it's impact on the surrounding properties.

(iii)

3 metres in any other case;

(f)

the height of the eaves of the building would exceed 2.5 metres;

(g)

the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The building is not listed.

(h)

it would include the construction or provision of a verandah, balcony or raised platform;

The design does not include the construction or provision of a verandah, balcony or raised platform.

it relates to a dwelling or a microwave antenna; **F3...**

The proposal does not relate to a dwelling or microwave antenna.

(j)

the capacity of the container would exceed 3,500 litres **[F4; or]**

[F5(k)

the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

The garden studio is for study and recreational purposes only and is not intended to function as a dwellinghouse.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a)

an area of outstanding natural beauty;

(b)

the Broads;

(c)

a National Park; or

(d)

a World Heritage Site,

development is not permitted by Class E 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.

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14 Dartmouth Park Avenue is not situated in an area of outstanding natural beauty.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The garden studio is located in the rear garden.

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 garden is not intended for keeping livestock.

Prepared by,

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