

14th January 2022

1 Grove Terrace Mews London NW5 1PJ

Explanatory Statement submitted in connection with certificate of lawfulness application
reference: 2021/4976/P

Prepared by Sam Gerstein – Planner

Dear Case Officer,

The Applicants Mr and Mrs Gerstein of the above application would be grateful if you could register this supplementary explanatory statement, prepared by Sam Gerstein, as part of the above referenced Certificate of Lawfulness case file. Please confirm receipt.

The application site relates to a detached brick built two storey dwellinghouse, No. 1 Grove Terrace Mews. The property is of the 1950's period and has an L shaped footprint, south west orientation and dual pitched tiled roof. The property has a garden curtilage extending around its north, east and south sides and includes a detached garage/outbuilding that is situated beyond the front garden to the south west of the building's principle elevation. The garage/outbuilding provides access onto Grove Terrace Mews which provides access to the other detached outbuildings and garages of Grove Terrace and Boscastle Road. The garage was constructed in the late 1990's, after the construction of the main house, in accordance with planning approval dated 10th March 1995 (planning reference: PL/9401399) and has been in situ for over 20 years. The garage was constructed in full accordance with the permission including the approved plans. The permission does not contain any restrictive conditions, for example restricting its use for parking only. This garage building is therefore an integral part of the existing dwellinghouse and is afforded permitted development rights that are applicable to existing dwellinghouses.

No 1 Grove Terrace Mews is situated within the Dartmouth Park Conservation Area. Bounding the plot on its south west side is the boundary wall which also forms the boundary wall to Grove Terrace, a terrace of grade II* Georgian town houses. This boundary wall therefore forms part of the Statutory grade II* listing and has been the subject of reconstruction following planning and listed building consent (Planning Reference 2012/0334/P and 2012/0380/L respectively). No.1 Grove Terrace Mews is not Statutory Listed and the garage/outbuilding serving No. 1 Grove Terrace Mews is not Statutory listed either. Further, the garage/outbuilding is not situated adjacent to any Statutory Listed buildings or structures.

The proposals the subject of this certificate lawfulness application relate to external alterations of existing integral garage/outbuilding. The works are proposed in connection its proposed use as a studio/gym for the owners of the property that is to be incidental to the main dwellinghouse. In terms of the proposed use as described, there is no question of a material change of use as one type of single dwellinghouse use of existing floorspace within the same planning unit is simply being utilised in a different way as another type. In addition, Section 55(2)(d) of the Town and Country Planning 1990 Act specifically allows the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such. The internal alterations presented on the ground floor plans are therefore shown in the interest of providing clarity around the proposed use to aid in the determination of the certificate of lawfulness application, however

for the avoidance of doubt these works do not comprise operational development as defined in Section 55 'Meaning of "Development" and "New Development" of the Town and Country Planning 1990 Act.

The external alterations the subject of this certificate of lawfulness application are permitted by the Town and Country Planning (General Permitted Development (England) Order (2015) (as amended) under SCHEDULE 2 Permitted development rights, PART 1 'Development within the curtilage of a dwellinghouse'. The relevant sections as they relate to the proposed alterations are as follows.

- Façade alterations comprise the installation of French doors, a single new window to match existing and alterations to the existing garage door. These alterations fall within '*Class A – enlargement, improvement or other alteration of a dwellinghouse*'. By virtue of the garage being an integral part of the dwellinghouse and the alterations proposed being of similar appearance to the existing garage/dwellinghouse, the works would adhere with Class A and Conditions A.3 (a) that stipulates '*the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*'
- Installation of rooflights within the roof of the garage falls within '*Class C – Any Other alteration to the roof of a dwellinghouse*' by virtue of the garage being an integral part of the dwellinghouse and the roof therefore forming part of the existing roof of the dwellinghouse. For the avoidance of doubt, the proposed rooflights would not protrude greater than 15cm beyond the plane of the roof in compliance with C.1 (b) which states that development is not permitted by Class C where '*the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof*'

As such, as set out within this explanatory letter, the proposed use of the outbuilding continues to be a use that is incidental to the use of the main dwellinghouse and therefore does not comprise operational development as is defined in Section 55 'Meaning of "Development" and "New Development" of the Town and Country Planning 1990 Act, and the proposed external alterations would wholly fall within the relevant parameters of Town and Country Planning (General Permitted Development (England) Order (2015) (as amended) under SCHEDULE 2 Permitted development rights, PART 1 'Development within the curtilage of a dwellinghouse'. We therefore look forward to receipt of a positive certificate of lawfulness decision.

Kind regards

Sam