

Date: March 2022
Our Ref: 20.5119

Planning Department
London Borough of Camden
Crowndale Centre
218 Eversholt Street
Somers Town
London
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24 Southwark Bridge Road
London
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T 0203 268 2018

Dear Sir/Madam,

Re: 105 Fellows Road, NW3 3JS – Lawful Development Certificate

On behalf of our client, Mr Richard Starr, we have been instructed to prepare and submit an application for a Certificate of Lawfulness for the Proposed Development of works relating to 105 Fellows Road ('the Site').

This letter sets out the background to the proposal, before detailing that the proposed works either fall under Permitted Development or do not constitute development and therefore do not require planning permission.

This application is supported by a set of plans prepared by David Cook Architects.

The Application Site

The Site comprises a three storey, end of terrace residential dwelling located on the south side of Fellows Road at the junction with Briary Close within the Chalcot Estate. It was built in the 1960s.

The existing property is in the style typical of the Estate and is not considered to be of a significant architectural merit.

The character of the surrounding area is residential, with neighbouring properties being similar in appearance and typically 3 storeys in height, although there are 4 storey buildings on the opposite side of Fellows Road.

The Site benefits from a PTAL score of 2 and is not within the setting of any listed building, nor does the site fall within a Conservation Area. The site falls within Flood Zone 1 indicating a low probability of flooding.

Background

An application for Prior Approval under Schedule 2, Part 1, Class AA of the Town and Country Planning Act (General Permitted Development) (England) (Amendment) (No.2) Order 2020 for the erection of an additional storey 2.88m in height above the existing roof level was approved in January 2021 (Ref: 2020/5611/P).

Whilst extant, this permission currently remain unbuilt.



The applicant wishes to apply for a Lawful Development Certificate for the works described within this letter.

Proposal

Side Windows

As demonstrated on drawing 1814 P102, it is proposed to insert 2no. windows onto the existing property's western elevation.

Class A, Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the enlargement, improvement or alteration of a dwellinghouse providing the following conditions are met:

A.3

a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The materials for the proposed windows will be of a similar and sympathetic design to the existing windows present on the dwellinghouse.

b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The proposed upper-floor window will be obscure-glazed in line with the above condition and windows will be non-opening.

The proposed side windows are in full compliance with the criteria outlined within the legislation and are of a sympathetic design that positively reflects the existing style of the dwellinghouse.

New Window to Front of Dwellinghouse

It is proposed to replace the existing garage door at the front of the dwellinghouse with a new window (please refer to drawing 1814 P101).

As is the case with the proposed side windows, condition A.3 a) of Class A, Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 will need to be complied with.

a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

As can be seen on drawing 1814 P101, the proposed window has been carefully selected to ensure that the style is in keeping with the established style of the existing dwellinghouse and utilises

materials of a similar appearance. The proposed front window is therefore in full compliance with the applicable conditions set out within Class A of The Permitted Development Rights for Householders and, as such, is considered acceptable in these terms.

Garden Pod

As can be seen on drawings 1814 P100 and 1814 P102 it is proposed to erect a single storey pod at the rear of the garden.

Class E (buildings etc incidental to the enjoyment of a dwellinghouse) of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that provision within the curtilage of a dwellinghouse will be permitted for:

- (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.*

However, under Class E, the following limits and conditions apply:

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

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

The house was originally built as a Class C3 dwelling and has not been authorised by any Class under Part 3 of Schedule 2 (change of use).

b) the total area of the 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 proposed pod would not exceed 50% of the total area of the curtilage of the original dwellinghouse.

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 dwellinghouse

The proposed pod will be located at the back of the rear garden and so will not be on land forward of a wall forming part of the principal elevation of the original dwellinghouse.

d) the building would have more than a single storey

The building would not have more than a single storey.

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 dwellinghouse, or**
- (i) 3 metres in any other case.**

As can be seen on drawing 1814 P100, the height of the proposed pod would not exceed 2.5 metres and so is in full compliance with condition e) (ii).

f) the height of the eaves of the building would exceed 2.5 metres

The proposed pod will have a flat roof and therefore the eaves would not 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

No verandah, balcony or raised platform are proposed.

i) it relates to a dwelling or microwave antenna

This application does not relate to a dwelling or microwave antenna.

j) the capacity of the container would exceed 3,500 litres

No container is proposed.

The proposed pod would be situated at the back of the rear garden and would be one storey in height and not exceed a height of 2.5 metres. The total area of the pod is significantly under 50% of the total area of the curtilage of the existing dwellinghouse. The proposed pod is therefore in full compliance with the conditions outlined within Class E (buildings etc) of The Permitted Development Rights for Householders and, as such, this application for a Lawful Development Certificate should be approved without delay.

Bin Store

As can be seen on drawing 1814 PD100A, the proposed bin store will be located at the front of the existing dwellinghouse, underneath the new front window.

The proposed bin store would be modest in size and sits nicely within the context of the existing dwellinghouse. It is intended to provide safe and secure storage for bins and will enhance the overall appearance of the dwellinghouse.

Notwithstanding the above, as the bin store cannot be classed as a permanent structure, it is not considered development and therefore does not require planning permission. It has been included in this application for completeness only.

Electric Vehicle Charging Point

The Applicant also wishes to install an Electric Vehicle Charing Point (EVCP) on the front wall of the dwellinghouse.

Schedule 2, Part 2, Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that planning permission is not required for the installation of a wall mounted electrical outlet for recharging of electrical vehicles as long as the area is lawfully used for off-street parking.

Development is not permitted if the outlet and its casing would:

D.1

(a) exceed 0.2 cubic metres;

The outlet and its casing would not exceed 0.2 cubic metres.

(b) face onto and be within 2 metres of a highway;

The outlet and its casing would not be within 2 metres of a highway.

(c) be within a site designated as a scheduled monument; or

The outlet and its casing would not be within a site designated as a scheduled monument.

(d) be within the curtilage of a listed building.

The outlet and its casing would not be within the curtilage of a listed building.

The EVCP therefore meets with all the relevant criteria and, as such, does not require planning permission.

Summary

In summary, for the reasons outlined above, none of the proposed works, subject of this application, require planning permission. All works are either permitted development or, in the case of the bin store, not development and are therefore considered lawful.

All proposals have been sympathetically designed to ensure that they respect the style of the existing dwellinghouse and have no significant impact on either the external appearance of surrounding amenity of the dwellinghouse.

In light of the above, a Lawful Development Certificate for the aforementioned works should be issued without delay.

Yours sincerely,

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