

|   |                                 |                              |             |
|---|---------------------------------|------------------------------|-------------|
| LDC (Proposed) Report   |                                 | Application number           | 2022/1224/P |
| Officer   |                                 | Expiry date                  |             |
| Patrick Marfleet  |                                 | 18/05/2022                   |             |
| Application Address   |                                 | Authorised Officer Signature |             |
| 124 Theobald's Road<br>London<br>Camden<br>WC1X 8RX           |                                 |                              |             |
| Conservation Area   |                                 | Article 4                    |             |
| No  |                                 | N/A                          |             |
| Proposal  |                                 |                              |             |
| Infill of existing atrium to provide additional office space. |                                 |                              |             |
| Recommendation:   | Grant certificate of lawfulness |                              |             |

## 1.0 Site description:

- 1.1 The application site relates to a nine storey office building located on the north western side of Theobalds Road. The building is not listed and is not located in a conservation area.

## 2.0 Proposal:

- 2.1 The applicant seeks confirmation that the proposed infilling of the central atrium at the site between first and eighth floor level does not constitute development and is lawful such that planning permission would not be required.
- 2.2 In support of the application, the applicant has submitted existing and proposed plans of the ground and first floors as well as a planning statement that covers planning history, design, amenity and planning policy.

## 3.0 History:

- 3.1 None relevant

## 4.0 Assessment:

- 4.1 Development is defined by section 55(1) of the 1990 Town and Country Planning Act (TCPA) as 'the carrying out of building, engineering, mining or other operations, in, on, or under land or the making of any material change in the use of any buildings or other land'.

For the purposes of this Act "building operations" includes –

- a) demolition of buildings;

- b) rebuilding;
- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

Section 55(2) of the TCPA states that the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

- (i) affect only the interior of the building, or
- (ii) do not materially affect the external appearance of the building.

- 4.2 The applicant is considered to have provided sufficient evidence to demonstrate that the proposed works would only affect the interior of the building, furthermore given the modest increase in floorspace the proposal would not result in a material intensification of the existing use. As such, the proposal, would not fall within the 'meaning of development' requiring planning permission as defined by Section 55 of the TCPA. Officers consider therefore that part 55(2)(i) therefore applies. Notwithstanding this, the works also would not materially affect the external appearance of the building (however it is noted that this criteria is not relevant as the works only affect the interior of the building).
- 4.3 The proposal is therefore lawful, as the works would not constitute development, and it is recommended that a certificate of lawfulness be granted.

## **5.0 Consultation response**

- 5.1 There is no statutory requirement to consult on certificate of lawfulness applications.

## **6.0 Recommendation**

- 6.1 The works associated with the proposed infilling of the existing atrium would all be confined to the interior of the building, no external alterations are proposed. As a result, the works described do not constitute development as defined by Section 55 of the Town & Country Planning Act 1990 (as amended). Therefore, it is recommended that the certificate is granted.

**Recommendation:** Grant Certificate of Lawfulness