

Application ref: 2022/1427/P
Contact: Matthew Dempsey
Tel: 020 7974 3862
Email: Matthew.Dempsey@Camden.gov.uk
Date: 21 September 2022

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

Boyer Planning
2nd Floor, 24 Southwark Bridge Road
London
SE1 9HF

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:

Replace garage door with window, installation of EV charging point, and erection of bin store at front. Insertion of 2 windows at side (west) elevation. Erection of single storey extension and garden room at rear.

Drawing Nos: Site Location Plan E00, E01A, E02A, E03, E04A, PD100B, PD101B, PD102A, PD103A, PD104A. Cover Letter (Boper March 2022, p1-6).

Second Schedule:

105 Fellows Road
London
NW3 3JS

Reason for the Decision:

1 Reason for the decision:

The proposed new windows to both the front and side elevations; and, the erection of the single storey rear extension are permitted under Class A of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed garden pod to the rear is permitted under Class E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed EV charging point to the front is permitted under Class D of part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2 Development is permitted by Class A subject to the following conditions:

(a) 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;

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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; and

(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

3 Development is permitted by Class D subject to the conditions that when no longer needed as a charging point for electric vehicles- the development is removed as soon as reasonably practicable; and the wall on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

Informative(s):

1 The development would only constitute permitted development if the materials used in any exterior work for the window frames the 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 A.3 of the Town & Country Planning (General Permitted Development) Order 2015.

2 The proposed bin store is not a permanent structure and has no foundation or fixing; and as such, is not classified as development and does not require planning permission.

3 The development subject to the grant of this certificate would only constitute permitted development if the upper floor window on 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 A.3/B.2/C.2 of the Town & Country Planning (General Permitted Development) Order 2015.

4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road

closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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 operations specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus, 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 operations 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.