

LDC (Proposed) Report	Application number	2022/4284/P
Officer	Expiry date	
Fast Track Team	01/12/2022	
Application Address	Authorised Officer Signature	
52 Lady Margaret Road London NW5 2NP		
Conservation Area	Article 4	
N/A	Basements	
Proposal		
Conversion of existing garage into habitable space, replacement of roof and uPVC door and window to match existing, installation of a rooflight and replacement of garage door.		
Recommendation:	Grant lawful development certificate.	

## 1. Site Description:

- 1.1** The site consists of a two-storey semi-detached brick-built house with tiled roof which sits on Lady Margaret Road.
- 1.2** The site is not in a Conservation Area however it stands opposite the northern boundary of the Kentish Town Conservation Area. The proposal relates to an existing outbuilding in the garden of the property which leads on to Ospringe Road, and is currently used as a garage, in association with the main dwelling.
- 1.3** The proposals are assessed under Class E (development within the curtilage of a dwellinghouse), Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

<b>Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse) Class E</b> 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 (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas		
If yes to any of the questions below, the proposal is not permitted development		Yes/no
E.1 (a)	Is permission granted to use the dwellinghouse as a dwellinghouse only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?	N/A
E.1 (b)	As a result of the works, will the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	N/A
E.1 (c)	Would any part of the building, enclosure, pool or container be situated on	N/A

	land forward of a wall forming the principal elevation of the original dwellinghouse?	
E.1 (d)	Would the building have more than a single storey?	N/A
E.1 (e)	Would the height of the building, enclosure or container 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 (iii) 3 metres in any other case?	N/A
E.1 (f)	Would the height of the eaves of the building exceed 2.5 metres?	N/A
E.1 (g)	Would the building, enclosure, pool or container be situated within the curtilage of a listed building?	No
E.1 (h)	Would it include the construction or provision of a verandah, balcony or raised platform?	N/A
E.1 (i)	Would it relate to a dwelling or a microwave antenna?	No
E.1 (j)	Would the capacity of the container exceed 3,500 litres?	No
E.2	In the case where any land is 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 Would the total area of ground covered by buildings, enclosures, pools and containers be situated more than 20 metres from any wall of the dwellinghouse exceed 10 square metres?	No

Is the property in a conservation area? No. If YES to the question below then the proposal is not permitted development:

The property is not located in a conservation area.

E.3	Would any part of the building, enclosure, pool or container be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?	N/A
E.4	<b>Interpretation of Class E</b>	
	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	

## 2. Consultation:

**2.1** There is no statutory requirement to consult on lawful development certificate applications. Nevertheless, residents or local groups can comment or object to this type of application.

No comments or objections have been received during the course of the application.

## 3. Assessment:

**3.1** The proposal is for alterations to the roof, window and door and insertion of a roof light as well as the replacement of the garage door to an existing outbuilding. It is considered that such works can be assessed against Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

- 3.2** Class E states that the following would be permitted development: 'The provision within the curtilage of the dwellinghouse of—
- (c) 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 a container used for domestic heating purposes for the storage of oil or liquid petroleum gas'
- 3.3** As the proposal is for alterations to an existing outbuilding rather than erection of a new outbuilding, the requirements to comply with the size and location specifications under E.1 would not be relevant as they do not relate to the elements of the outbuilding which are being altered. All that can be assessed is whether the proposal is considered to meet the definition of 'improvement or other alteration' of an outbuilding as they solely relate to changes of the elevations with no increase in size or location.
- 3.4** The proposed changes include the replacement of the roof, one door and one window on the garden elevation of the outbuilding and the replacement of a garage door on the Ospringe Road elevation. There is also the addition of a rooflight. No changes to the width, height or bulk of the outbuilding are proposed. These alterations to the fenestration are considered to fall within the definition of improvements and alterations given their minor nature and overall, they would improve the appearance of the structure.
- 3.5** The outbuilding is currently used as a garage. It is proposed that the use of the outbuilding would change to an office, incidental to the enjoyment of the main residential use. The office would be used by the occupiers of the main residential property in the curtilage of which the existing outbuilding sits. Based on the information provided there is no indication that the structure would be used as a separate dwelling. In the event of the outbuilding would be used as a separate dwelling, then planning permission would be required. As it stands, the current proposal would relate to a use which is generally accepted as incidental to the enjoyment of the main residential use which is in accordance with the limitations and conditions of permitted development. An informative will be placed on any decision to advise that use of the outbuilding shall remain incidental to the residential use.
- 3.6** The proposal is considered to satisfy all relevant criteria as set out under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and as such, would be permitted development and lawful.

**Recommendation:** Grant Certificate of Lawful Development