

Application ref: 2022/3617/P
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Date: 21 December 2022

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Cousins and Cousins
Bedford House
125-133 Camden High St
Camden Town
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NW1 7JR

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Existing) Granted

The Council hereby certifies that on the 11 October 2022 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Commencement of works in accordance with condition 1 (within five years from date of permission) of planning permission PEX0300008 granted on 25/06/2003 for 'Addition of a second storey above existing roofline, insertion of a flank window at first and second floor levels, insertion of 2 rooflights to front roofslope, erection of a dormer extension in rear roofslope created, erection of a single storey rear extension and erection of a glazed lean-to to side of dwellinghouse.'

Drawing Nos: Application form, Decision Notice for PEX0300008 dated 25th June 2003, Building Notice dated 11/06/2018, Correspondence to Mr K Pindoria of Building Control at LB from architect Ben Cousins dated 17th June 2008, Photographs of excavation work on-site relating to rear extension, Letter from Building Control department of LB Camden dated 17 December 2008, Email chain between client and architect (dates ranging from 5 Nov 2007 to 8 July 2008), Email between client/owner and tenant (23rd June 2008), and client/owner and builder (2nd July 2008) regarding the works which had already commenced and Building Inspector's feedback that the excavation needs to be deeper which prolonged the works, Letter from builder Marcel Syron dated 03/08/2022 confirming excavation of foundations started on 16th June 2008 and took about a week, Sworn Affidavit from client/owner (dated 19 August 2022) confirming their recollection of events at the time and evidencing telephone records to the builder and bank statements showing the payment of builder's fees at the time,

Building Control email to architect (dated 28 June 2022) confirming there are no records for 2008 in response to email asking for the council's inspection notes and photographs. Location Plan, 100-05, 50.001, 50.002, 50.002 rev A, 100-01, 100-02, 100-03, 100-04, 200-01, 200-02, 200-03, 200-04, 200-05. 200-01 rev A, 200-002 rev A, 200-003 rev A, 150 200-004 rev A.

Second Schedule:

**47 1/2 Roderick Road
London
NW3 2NP**

Reason for the Decision:

- 1 The evidence submitted confirms that the works carried out in association with the implementation of planning permission PEX0300008 granted on 25/06/2003 for 'Addition of a second storey above existing roofline, insertion of a flank window at first and second floor levels, insertion of 2 rooflights to front roofslope, erection of a dormer extension in rear roofslope created, erection of a single storey rear extension and erection of a glazed lean-to to side of dwellinghouse'- commenced prior to the expiration of the permission.

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 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/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 use*/operations*/matter* 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.