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Planning Department
London Borough of Camden
2nd Floor
5 Pancras Square
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16th December 2022

Dear Sir/Madam,

Re: Section 192 Application for a Certificate of Lawfulness (Proposed Development) for Five Single Storey Outbuildings in the Rear Garden of 14 Greenaway Gardens, London, NW3 7DH.

I write on behalf of our client, Mr Knysh, to submit an application for a Certificate of Lawfulness of Proposed Development to formally establish the lawfulness of five proposed single storey outbuilding under permitted development rights in the rear garden of 14 Greenaway Gardens.

As per planning practice guidance, an application for a Certificate of Lawfulness of Proposed Development needs to describe precisely what is being applied for and the land to which the application relates. This request is, therefore, supplemented by the following appropriate documentation:

1. Site Location Plan;
2. Existing and Approved Landscape Plans;
3. Plans of the five proposed outbuildings;
4. A Permitted Development Design Compliance Document; and
5. A Legal Advice Note prepared by Morag Ellis KC.

A payment of £135.20 for the application fee has been made by the Planning Portal.

The Site

No. 14 Greenaway Gardens comprises a detached two-storey dwelling, with additional floorspace in the roof and basement, located on the north-eastern side of Greenaway Gardens. At the front of the property there is a curved private driveway with two access points which leads to a two car garage on the south eastern boundary. To the rear is an expansive T-shaped garden.

The site is not listed; however, it is located within the Redington / Froggnal Conservation Area.



Planning History

Planning permission for the demolition of a summerhouse in the rear garden and associated changes to the landscaping was granted in August 2021 (LPA ref: 2021/0984/P). The landscaping proposal was agreed via discharge of condition application (LPA ref: 2921/5768/P) in December 2021. The demolition of the summerhouse has taken place and the approved landscaping works are ongoing.

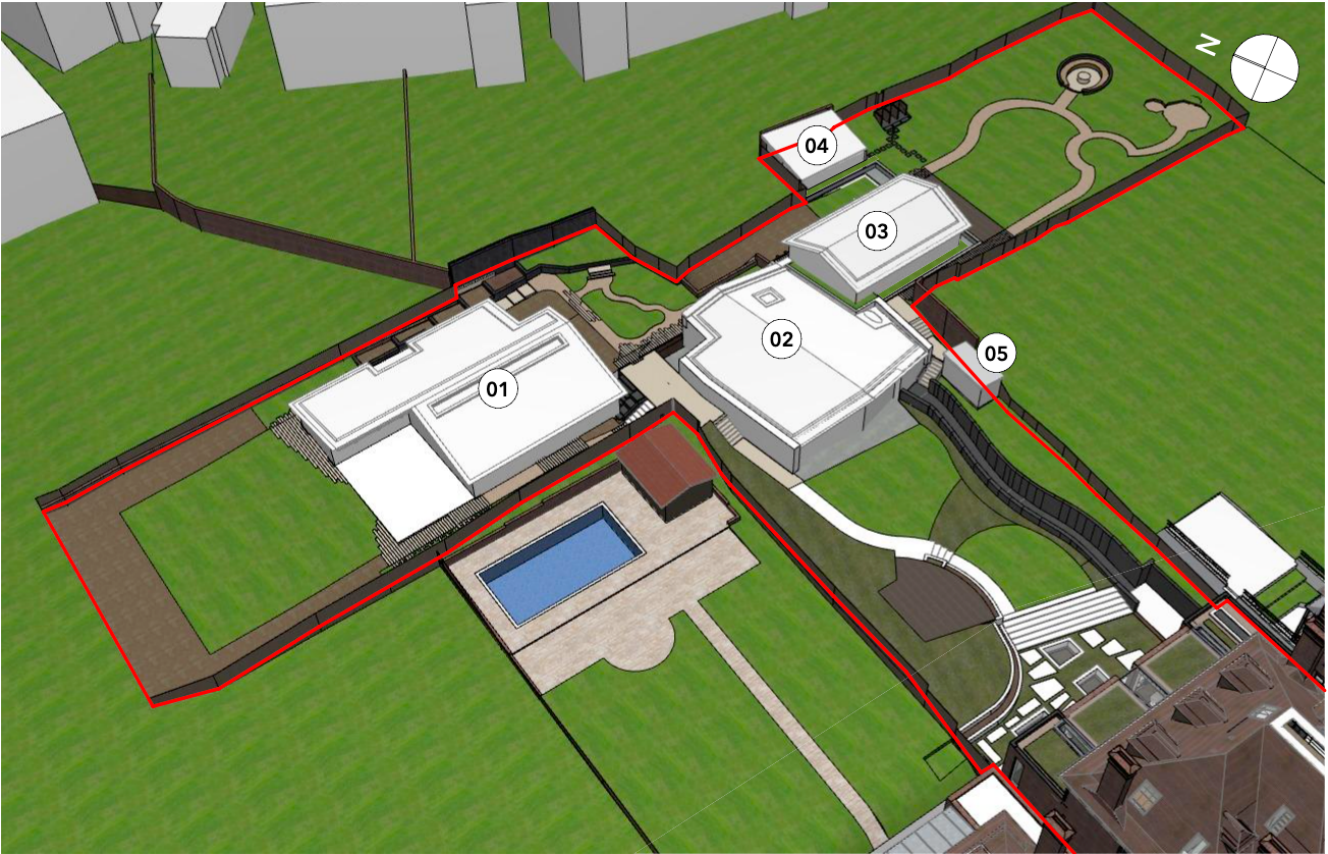
Planning permission has recently been granted to renovations to the main house. The description of development is "*Partial demolition of existing dwelling with retention of the front facade and parts of the side and rear facades and the erection of a basement extension, infill rear extension, various minor changes to the fenestration and other associated works*" (LPA ref: 2021/6257/P). This permission also involves some landscaping works immediately to the rear of the dwelling. An application to discharge the pre-commencement conditions has been submitted and there is an intention for development to commence shortly.

The Proposal

Five single storey outbuildings are proposed in the rear garden at 14 Greenaway Gardens. They are:

1. A games hall and gallery;
2. A swimming pool hall;
3. Gymnasium;
4. A shed to house pool filtration equipment and garden store room; and
5. A shed to house irrigation equipment.

A plan identifying the layout of the five buildings is provided below:



The submitted plans and Compliance Document provides further details of each of these buildings.

Permitted Development Rights

Residential outbuildings are considered to be permitted development (as per Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) (GDPO) and therefore do not require planning permission. Rules governing outbuildings apply to sheds, playhouses, greenhouses and garages as well as other ancillary garden buildings such as swimming pools, ponds, sauna cabins, kennels, enclosures (including tennis courts) and many other kinds of structure for a purpose incidental to the enjoyment of the dwellinghouse.


There are a number of limits and conditions that need to be met in order for outbuildings to be covered by permitted development rights. This includes the location of development (not to the front of the principal elevation), maximum height (2.5 meters to the eaves and overall height of 4 meters) and the amount of coverage (no more than half the area of land around the original house).

Assessment

The proposed outbuildings at 14 Greenaway Gardens have been designed in order to comply with the residential outbuildings conditions set out in the GDPO. An assessment of the relevant criteria is provided in the table below.

Criteria Reference	Extract from the GDPO	Assessment of Proposed Outbuildings	Criteria Met?
E1	Development is not permitted by Class E if-		
E.1 (a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of [Class G, M, MA, N, P, PA or Q of Part 3]1 of this Schedule (changes of use).	The dwellinghouse was <u>not</u> granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.	✓
E.1 (b)	The total area of 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 proposed buildings and enclosures are less than 50% of the total area of the curtilage (refer to the Compliance Document for further information).	✓
E.1 (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 buildings are located behind the wall of the principle elevation of the house and located in the rear garden.	✓
E.1 (d)	The building would have more than a single storey.	The proposed buildings are one storey.	✓
E.1 (e)	The height of the buildings, 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	Proposed buildings 1-3 will comprise a dual pitched roof and will be 4m in height, as shown in the Compliance Document and proposed elevations. Proposed buildings 4-5 are 2.5 in height due to being located within 2 meters of the boundary of the curtilage of the dwelling house.	✓

	(iii) 3 metres in any other case.		
E.1 (f)	The height of the eaves of the building would exceed 2.5 metres.	The height of the proposed building's eaves do not exceed 2.5m, as shown in the Compliance Document and proposed elevations.	✓
E.1 (g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building.	The proposed buildings are not within the curtilage of a listed building.	✓
E.1 (h)	It would include the construction or provision of a verandah, balcony or raised platform.	The proposal does not include the construction of a verandah, balcony or raised platform.	✓
E.1 (i)	It relates to a dwelling or a microwave antenna.	The proposed outbuildings will not be used as dwellings and will not comprise a microwave antenna.	✓
E.1 (j)	The capacity of the container would exceed 3,500 litres.	No contained is being proposed.	✓
E.1 (a)	The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	The dwellinghouse is not built under Part 20 of the GDPO.	✓
E.2	In the case of any land 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, development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	The land within the curtilage of the dwellinghouse is <u>not</u> within these areas identified.	✓

E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	The land within the curtilage of the dwellinghouse is within article 2(3) land but is not situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	
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A legal opinion by leading planning counsel Morag Ellis KC has confirmed that the proposed outbuildings do constitute permitted development and therefore they do not require the grant of planning permission. Therefore a Certificate of Lawfulness of Proposed Development should be issued confirming their lawfulness.

Conclusion

As set out above, five residential outbuildings are proposed in the rear garden of 14 Greenaway Gardens. These buildings will be for a purpose incidental to the enjoyment of the dwellinghouse and benefit from permitted development rights under Schedule 2, Part 1, Class E of the GDPO.

Sufficient information has been provided to support this application for Certificate of Lawfulness of Proposed Development and an assessment of the various criteria and limitations set out in the GDPO has been provided. It is clear that the requirements are soundly met. This has been confirmed via a legal opinion from leading planning counsel.

The Certificate of Lawfulness of Proposed Development should therefore be granted.

I look forward to receiving notification that the application for a Certificate of Lawfulness has been received and validated. However, should you require any further information, please do not hesitate to contact me.

Yours sincerely

Alfie Yeatman
Associate Director