

LDC (Proposed) Report		Application number	2022/5379/P
Officer		Expiry date	
Tony Young		01/02/2023	
Application Address		Authorised Officer Signature	
31 Elsworthy Road London NW3 3BT			
Conservation Area		Article 4	
Elsworthy		Yes (basements)	
Proposal			
New front boundary wall and gates.			
Recommendation:		Grant Lawful Development Certificate	

Town & Country Planning (General Permitted Development) Order 2015 (as amended) - Schedule 2, Part 11 (Heritage and demolition)		
Class C - any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.		
If YES to any of the questions below, the proposal is not permitted development		Yes/no
C.1	<p>Would the development involve “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc. building in a conservation area)?</p> <p><i>[In section 196D(3), “relevant demolition” means the demolition of a building that—</i></p> <p><i>(a) is situated in a conservation area in England; and</i></p> <p><i>(b) is not a building to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of section 75 of that Act (listed buildings, certain ecclesiastical buildings, scheduled monuments and buildings described in a direction of the Secretary of State under that section).</i></p> <p><i>Buildings to which section 74 of the Act does <u>not</u> apply, includes:</i></p> <p><i>(b) any gate, wall, fence or means of enclosure which is less than one metre high which abuts on a highway (including a public footpath or bridleway), waterway or open space, or less than two metres high in any other case]</i></p>	No
	The application site is located within the Elsworthy Conservation Area. Any gate, wall, fence or means of enclosure to be demolished in association with the proposed works is less than 1 metre high.	

Schedule 2, Part 2 (Minor Operations)		
Class A - erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.		
If YES to any of the questions below, the proposal is not permitted development		Yes/no
A.1 (a)	Would the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic, after the carrying out of the development, exceed—	No

	(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons; (ii) in any other case, 1 metre above ground level?	
A.1 (b)	Would the height of any other gate, fence, wall or means of enclosure erected or constructed exceed 2 metres above ground level?	No
A.1 (c)	Would the height of any gate, fence, wall or other means of enclosure maintained, improved or altered, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or	No
A.1 (d)	Would it involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building?	No
<p>Assessment: The proposal is considered to satisfy all criteria as set out under Schedule 2, Part 2, Class A and Part 11, Class C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and as such, would be permitted development and lawful.</p>		
<p>Recommendation: Grant Certificate of Lawful Development</p>		