

Development Management & Building Control Service
Barnet House, 1255 High Road, Whetstone, N20 0EJ
Contact Number:

Mr Sohail Chohan
Sterling Partners
179 Pinner Rd
Bushey
Watford
WD19 4EP

Application Number: **18/2947/192**
Registered Date: 24 May 2018

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (Development Management Procedure)
(England) Order 2015: Part 8

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
(PROPOSED USE OR DEVELOPMENT)

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby certifies, within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), that unless any relevant factor has changed since the application date, the following use / development is **LAWFUL**:

Single storey rear extension following the demolition of an existing rear extension

At: 50 Galsworthy Road, London, NW2 2SH,

as referred to in your application and shown on the accompanying plan(s):

INFORMATIVE(S):

1 The plans accompanying this application are:

2018 - Galsworthy - P - R - 01
2018 - Galsworthy - P - R - 02
2018 - Galsworthy - P - R - 03
Location Plan

2 The reason for this determination is: The proposal is for a building operation/use which, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990, is development requiring planning permission, but such development is PERMITTED under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

- 3 This application is deemed lawful in conjunction with the Prior Notification Application 18/2006/PNH at 50 Galsworthy Road.
- 4 This application is determined to be lawful based on the information submitted. If any information provided is inaccurate then this may invalidate the certificate. This would include submission of drawings that do not clearly indicate all non-original extensions to the property.
- 5 This certificate is issued on the basis of the written evidence submitted with the application. Accuracy and the onus of proof rests with the applicant. Please note that this decision relates only to the circumstances whereby the property is in use as a single family dwelling house. This certificate and permitted development rights do not apply in the case of converted properties or flats accommodation.
- 6 The development is permitted by Class A of the General Permitted Development Order 2015 (as amended) subject to the materials used in any exterior work being of a similar appearance to those used in the construction of the exterior of the existing dwelling house and any upper-floor window located in a wall or roof slope forming a side elevation are required to be obscure-glazed and non-opening up to a minimum height of 1.7m above the internal room floor level.

Date of Decision: 7 June 2018

Signed:



Fabien Gaudin
Head of Development Management

NOTE(S):

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 use/operation above and taking place on the land also described above was lawful on the specified date and, thus, was not 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 described above on the land also specified above. Any use/operation 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 proviso 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.

5. This notice relates solely to the grant of a certificate of lawfulness and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose. For more information about making an application for Building Regulations approval, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control.

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.
- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under

the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

LOCATION: 50 Galsworthy Road, London, NW2 2SH,
PROPOSAL: Single storey rear extension following the demolition of an existing rear extension

| KEY DATES | |
|-------------------------------------|-----------------------|
| Statutory Expiry: | 19th July 2018 |
| Recommendation: | 5th June 2018 |
| Ex. of time (if applicable): | |
| Site Visit (if applicable): | |

| | |
|----------------------|--------------------------------------|
| Case Officer: | Natasha McCann |
| Area Team: | Finchley and Golders Green Area Team |
| Applicant: | Mr & Mrs S & R Kabir |
| Ward: | Childs Hill |
| CIL Liable? | |

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a dwellinghouse at 50 Galsworthy Road located in Finchley and Golders Green Area. The surrounding area can be characterised as two storey semi-detached and terraced residential properties, with back amenity space and parking facilities to the front. The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights.

2. Site History

Reference: 18/1920/192

Address: 50 Galsworthy Road, London, NW2 2SH

Decision: Lawful

Decision Date: 2 May 2018

Description: Roof extension including rear dormer window with Juliette balcony and 3 no rooflights to front roofslope

Reference: 18/2006/PNH

Address: 50 Galsworthy Road, London, NW2 2SH

Decision: Prior Approval Not Required

Decision Date: 1 May 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.7 metres and maximum height of 3 metres

3. Proposal

This application seeks confirmation that the following works benefit from deemed planning permission;

Demolition of the existing rear extension and proposed single storey rear extension

- The existing single storey rear extension measures 6 metres in length and 2.4 metres in depth. The existing extension measures 3.4 metres to the ridge and 2.6 metres to the eaves.
- The extension would measure 6 metres in length and 6 metres in depth. The proposed extension would measure 3 metres to the ridge and 2.7 metres to the eaves.
- Materials to match existing building.

4. Public Consultation

Not applicable.

5. Planning Considerations

The Town and Country Planning (General Permitted Development)(England) 2015 - as amended in 2016 by SI 2016 No. 332

Class A - enlargement, improvement or other alteration of a dwellinghouse

Permitted Development:

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted:

A.1 Development is not permitted by Class A if-

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- (g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and-
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwellinghouse would have more than a single storey and-

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or
- (k) it would consist of or include-
 - (i) the construction or provision of a verandah, balcony or raised platform
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if-

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

A.3 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.

5.3 Assessment of proposals

The proposed rear single storey extension would comply with the requirements of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended. The rear single storey extension has been assessed in the below criteria;

- The proposed extension would not exceed 50% of the total curtilage. (Class A.1.b)
- The height of the extension or height of the eaves would not exceed the height of the highest part of the roof of the existing dwellinghouse. (Class A.1.c.d)
- The proposed extension would not extend beyond the principle elevation of the original dwellinghouse or front upon a highway. (Class A.1.e)
- The eaves would measure 2.7 metres high and 3 metres to the ridge, therefore would not exceed 4 metres in height. (Class A.1. f)

- The proposal for the single storey rear extension has undergone prior approval 18/2006/PNH with no objection complying with Class A.1.G which states;

'Until the 30th May 2019, for a dwellinghouse not article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by 8 metres in the case of a detached dwellinghouse or 6 metres in the case of any other dwellinghouse'

The extension would measure 6 metres deep therefore would comply with Class A.1.f.

- The proposed extension would not have a greater width than half the width of the original dwellinghouse. (Class A.1.j)
- The application does not consist or include - the construction or provision of veranda, balcony or raised platform; the installation, alteration or replacement of a microwave antenna; the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or an alteration to any part of the roof of the dwellinghouse. (Class A.1.k)

Class A Conditions for permitted development;

- The proposed materials to be used for the extension would be of a similar appearance to those of the existing dwellinghouse. (Class A.3.a)
- There will be no windows erected on the side elevation of the extension therefore would not require compliance to Class A.3.b.
- The proposed extension is for a single storey extension therefore is not assessed against Class A.3.c.

6. Equality and Diversity Issues

The existing development does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposed development would comply with the requirements of Class B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and would therefore be LAWFUL.

OFFICER'S RECOMMENDATION / PREVIEW OF DECISION

Lawful

Informative(s):

- 1 The plans accompanying this application are:

2018 - Galsworthy - P - R - 01
2018 - Galsworthy - P - R - 02
2018 - Galsworthy - P - R - 03
Location Plan
- 2 The reason for this determination is: The proposal is for a building operation/use which, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990, is development requiring planning permission, but such development is PERMITTED under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.
- 3 This application is deemed lawful in conjunction with the Prior Notification Application 18/2006/PNH at 50 Galsworthy Road.
- 4 This application is determined to be lawful based on the information submitted. If any information provided is inaccurate then this may invalidate the certificate. This would include submission of drawings that do not clearly indicate all non-original extensions to the property.
- 5 This certificate is issued on the basis of the written evidence submitted with the application. Accuracy and the onus of proof rests with the applicant. Please note that this decision relates only to the circumstances whereby the property is in use as a single family dwelling house. This certificate and permitted development rights do not apply in the case of converted properties or flats accommodation.
- 6 The development is permitted by Class A of the General Permitted Development Order 2015 (as amended) subject to the materials used in any exterior work being of a similar appearance to those used in the construction of the exterior of the existing dwelling house and any upper-floor window located in a wall or roof slope forming a side elevation are required to be obscure-glazed and non-opening up to a minimum height of 1.7m above the internal room floor level.

**Signature of Officer
with Delegated
Authority**

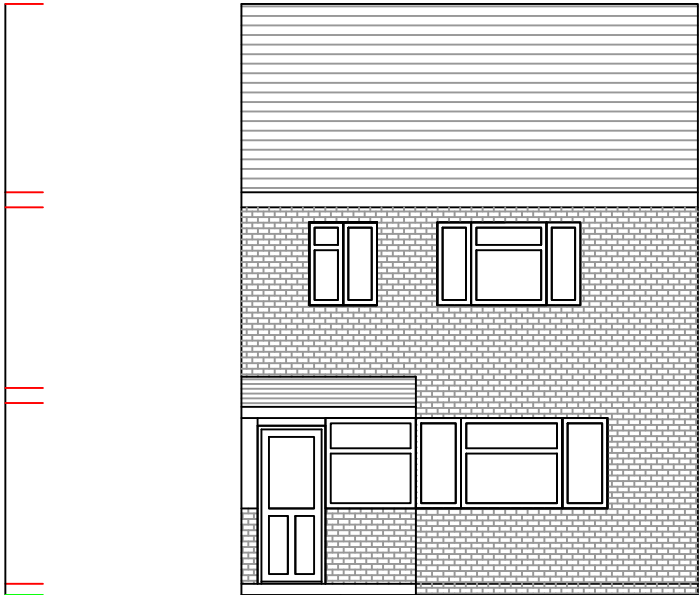
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Tanusha Naidoo, Principal Planning Officer (Deputy Planning Manager)

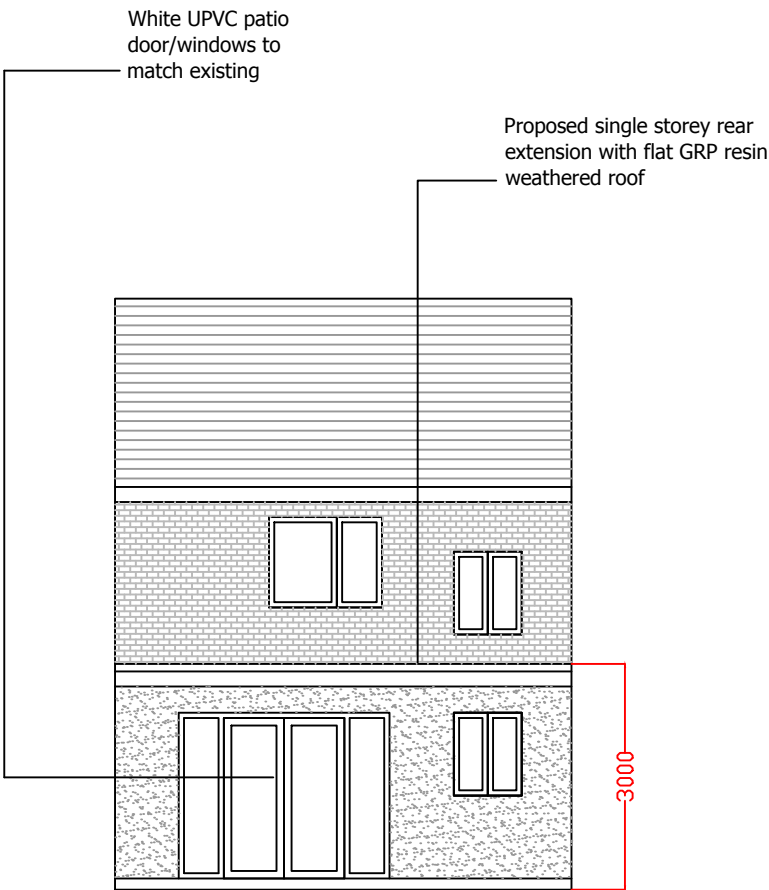
50 Galsworthy Road, London, NW2 2SH



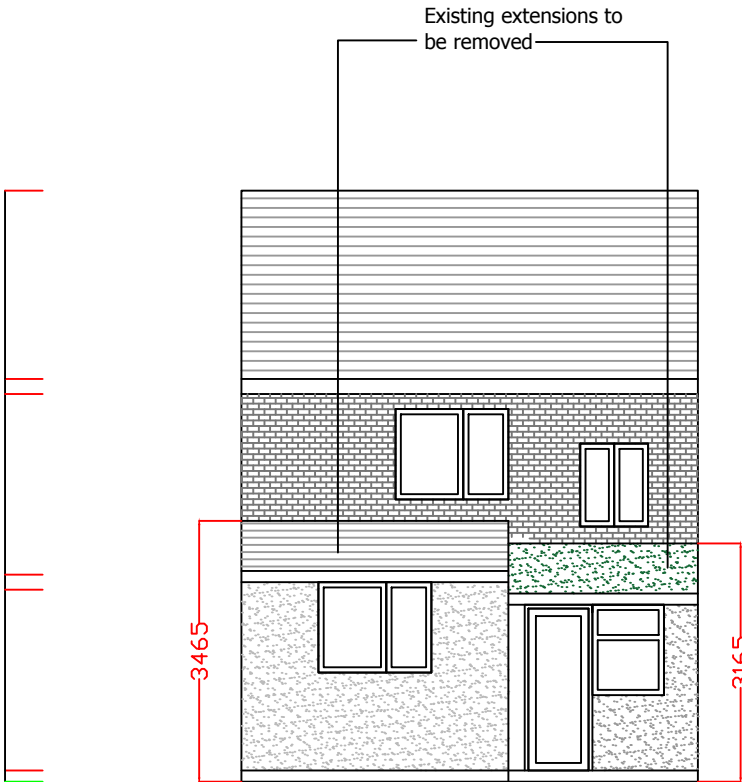
Map area bounded by: 524259,185805 524401,185947. Produced on 24 March 2018 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2018. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/233535/318975



EXISTING AND PROPOSED
FRONT ELEVATION



PROPOSED REAR ELEVATION



EXISTING REAR ELEVATION

NOTES:

NB; Construction must only commence once planning, building control and any other relevant approvals have been obtained. It is the responsibility of the owner to commence prior to receiving these approvals.

These drawings must be read together with the specifications, details, structural designs and calcs issued or referred to.

All works to be carried out to Local Authority Planning and Building Regulation Approval, the Codes of Practice and British Standards as necessary.

All dimensions, levels, sizes, positions and locations of particulars as noted on the drawings are to be verified by the appointed Contractor on site prior to commencement of works. Any discrepancies must be reported to the Architect, Surveyor, Engineer or person responsible immediately.

The contractor is responsible for ensuring compliance with the CDM Regulations and the mandatory H&S on site precautions.

The Client/Building Owner must obtain the necessary Party Wall Agreements prior to commencing works on site.

Sterling Partners

ARCHITECTS : ENGINEERS : PROJECT MANAGEMENT

179 Pinner Road, Bushey, WD19 4EP

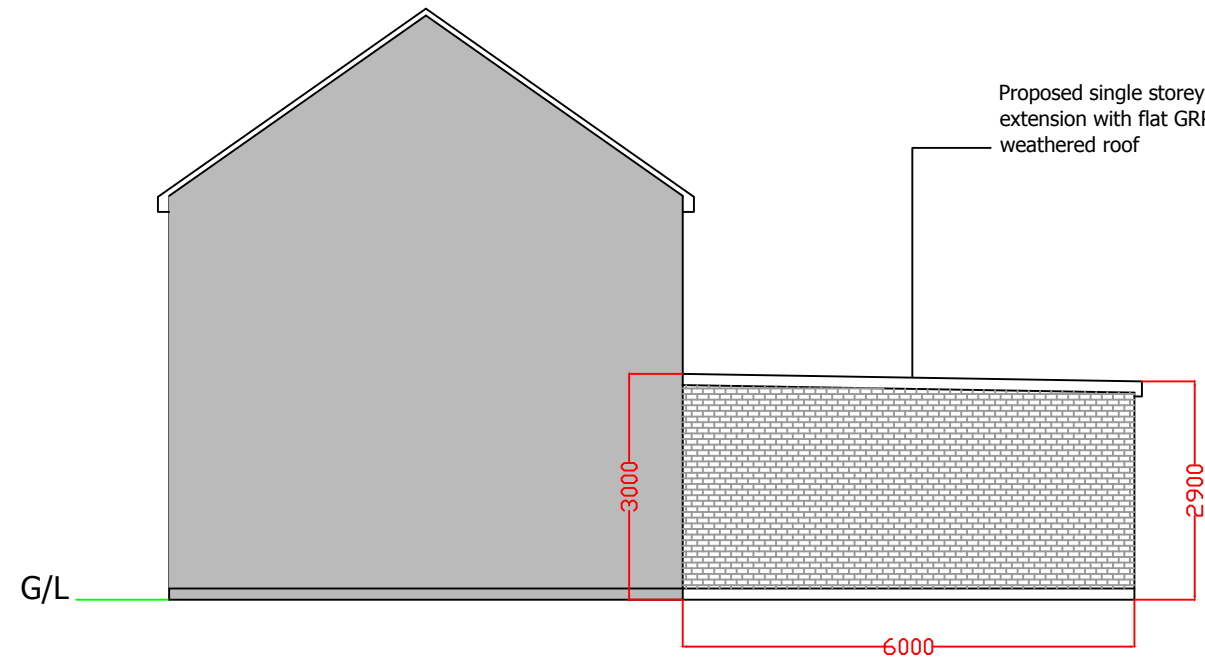
Office: 01923 447738 Mobile: 07919 213127

email: sc@sterlingpartners.uk.com

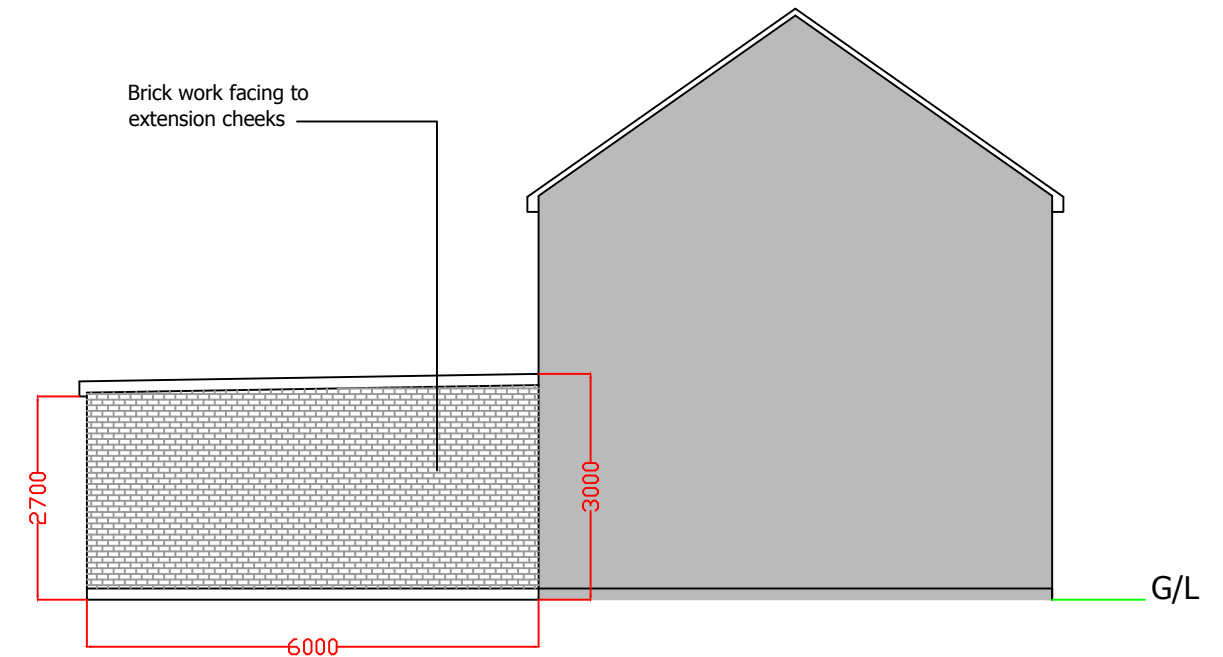
www.sterlingpartners.uk.com

| | | | |
|----------|---|--|--|
| PROJECT: | PROPOSED LOFT CONVERSION | | |
| CLIENT: | Mr & Mrs Kabir | | |
| SITE: | 50 Galsworthy Road London NW2 2SH | | |

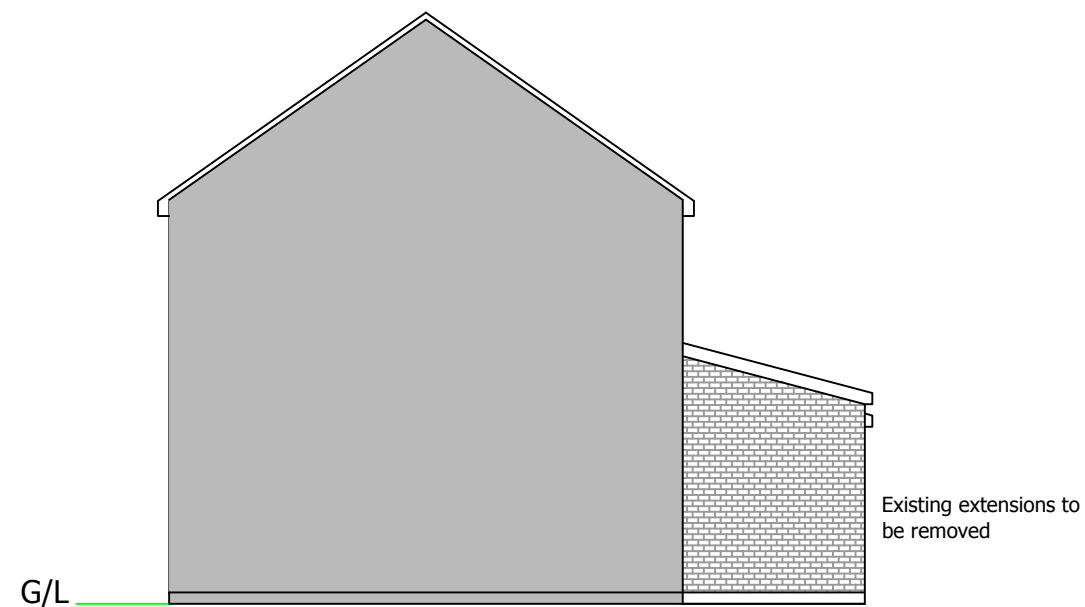
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| DRAWING No: | | | |
| 2018-Galsworthy-P-R-01 | | | |
| DATE: | 14th Mar 2018 | REV: | A3 |
| SCALE: | 1:100 | DRAWN BY: | |
| | | SC | |



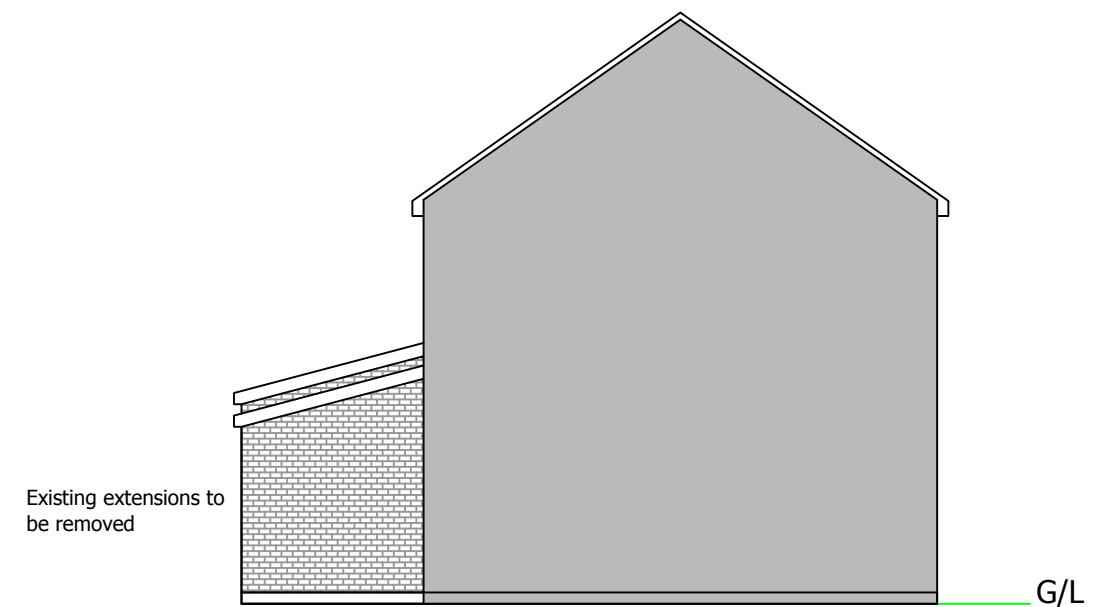
PROPOSED RIGHT ELEVATION



PROPOSED LEFT ELEVATION



EXISTING RIGHT ELEVATION



EXISTING LEFT ELEVATION



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Sterling Partners

ARCHITECTS : ENGINEERS : PROJECT MANAGEMENT

179 Pinner Road, Bushey, WD19 4EP
Office: 01923 447738 Mobile: 07919 213127
email: sc@sterlingpartners.uk.com
www.sterlingpartners.uk.com

PROJECT:

PROPOSED LOFT CONVERSION

CLIENT:

Mr & Mrs Kabir

SITE:

50 Galsworthy Road
London
NW2 2SH

DETAIL:

EXISTING AND PROPOSED SIDE ELEVATIONS

DRAWING NO:

2018-Galsworthy-P-R-02

DATE:

14th Mar 2018

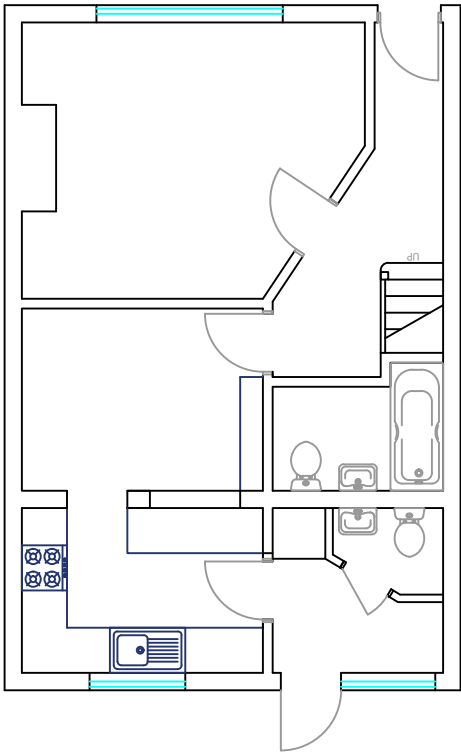
REV:

SCALE:

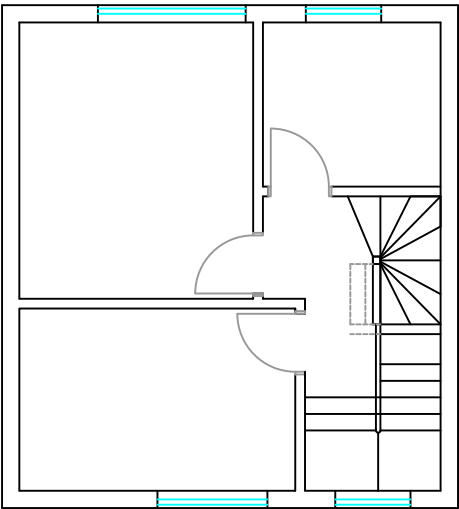
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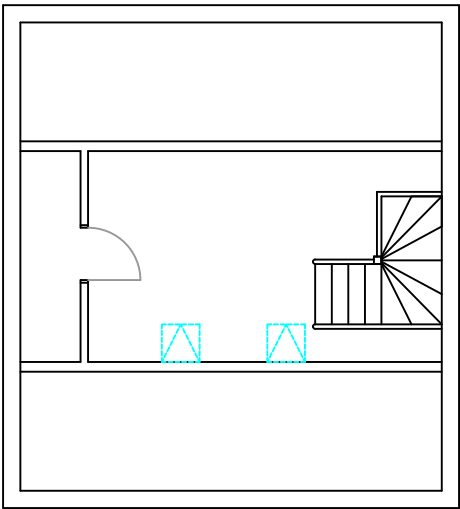
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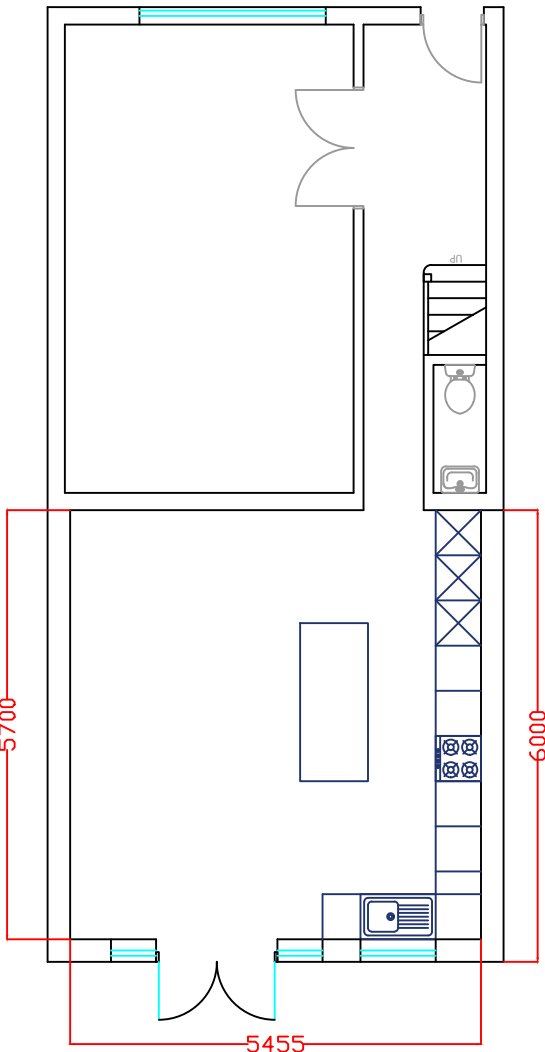
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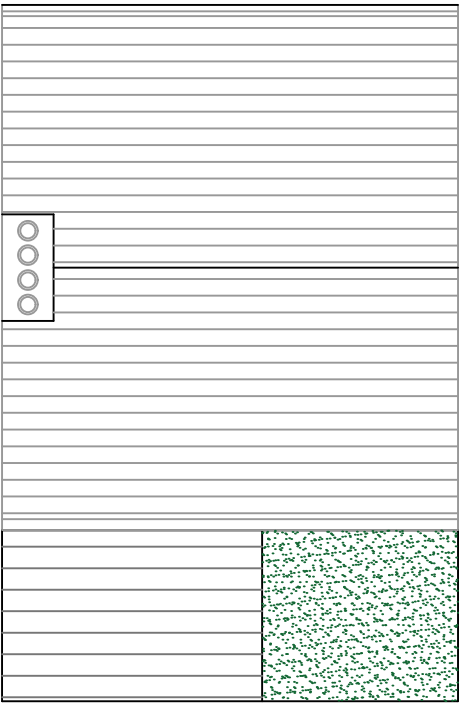
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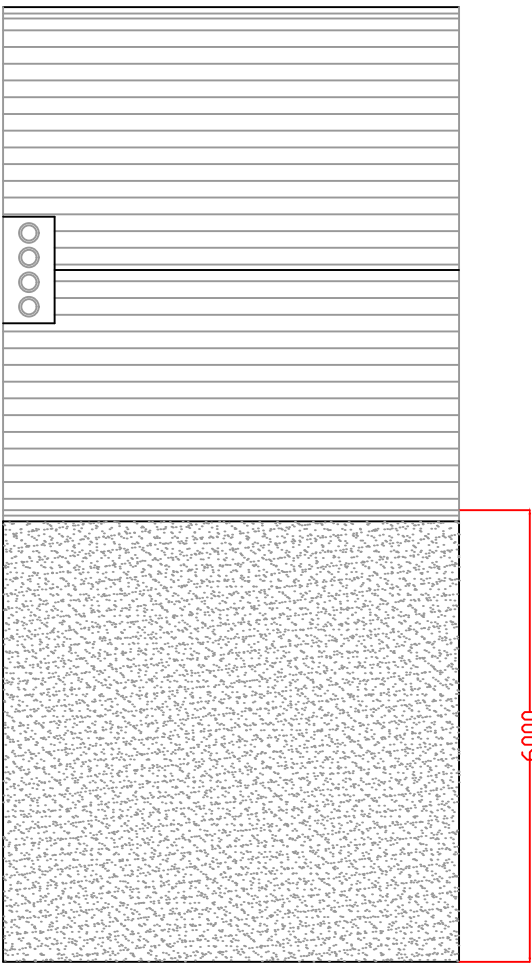
PROPOSED G/F



Existing extensions to be removed

EXISTING ROOF PLAN

Proposed single storey rear extension with flat GRP resin weathered roof



PROPOSED G/F

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ARCHITECTS : ENGINEERS : PROJECT MANAGEMENT

179 Pinner Road, Bushey, WD19 4EP

Office: 01923 447738 Mobile: 07919 213127

email: sc@sterlingpartners.uk.com

www.sterlingpartners.uk.com

PROJECT:

6m SINGLE STOREY REAR EXTENSION

CLIENT:

Mr & Mrs Kabir

SITE:

50 Galsworthy Road
London
NW2 2SH

DETAIL:

EXISTING & PROPOSED LAYOUTS

DRAWING No:

2018-Galsworthy-P-R-03

DATE:

14th Mar 2018

REV:

SCALE:

1:100

A3

DRAWN BY:

SC