

Planning and Building Control
2 Bristol Avenue, Colindale, London, NW9 4EW
Contact Number: 0208 359 6249

Dr Qaaid Al-Saraify
Arch Lucid Ltd
27 York Avenue
HA7 2HT

Application Number: **22/4929/192**
Registered Date: 6 October 2022

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**:

Roof extension involving hip to gable, rear dormer with juliette balcony and 2no. front facing rooflights. Erection of a rear outbuilding

At: 6 Elliot Road, London, NW4 3DL,

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

INFORMATIVE(S):

- 1 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 Classes B, C and E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.
- 2 The plans accompanying this application are:

-EXISTING FRONT AND REAR ELEVATIONS (AL22/6ER/06)
-EXISTING SIDE ELEVATIONS (AL22/6ER/07)
-EXISTING GROUND/FIRST FLOOR PLANS (AL22/6ER/08)

- EXISTING LOFT/ROOF PLANS (AL22/6ER/09)
- EXISTING SECTIONS (AL22/6ER/05)
- PROPOSED FRONT AND REAR ELEVATIONS (AL22/6ER/11)
- PROPOSED SIDE ELEVATIONS (AL22/6ER/12)
- PROPOSED GROUND/FIRST FLOOR PLAN (AL22/6ER/03)
- PROPOSED LOFT/ROOF PLAN (AL22/6ER/04)
- PROPOSED SECTION (MAIN DWELLING) (AL22/6ER/10)
- PROPOSED OUTBUILDING ELEVATIONS (AL22/6ER/15)
- PROPOSED OUTBUILDING FLOOR PLANS (AL22/6ER/13)
- PROPOSED OUTBUILDING SECTION (AL22/6ER/14)
- BLOCK PLANS (AL22/6ER/02)
- SITE LOCATION PLAN (AL22/6ER/01)

Email from agent dated 13/01/2023 confirming materials.

- 3 The development is permitted by Class B 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 windows in a side elevation are required to be obscured glazed and non-opening up to a minimum height of 1.7m above the internal room floor level.
- 4 Please note that this decision relates only to the circumstances whereby the outbuilding is used for a purpose incidental to the enjoyment of the dwellinghouse. A purpose incidental to a dwellinghouse would not cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen.
- 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 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; and, inaccurate representation or failure to show level changes across the site.

Date of Decision: 16 January 2023

Signed:



Fabien Gaudin

Service Director – Planning and Building Control

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.