

Development Management & Building Control Service
Barnet House, 1255 High Road, Whetstone, N20 0EJ
Contact Number: 0208 359 3000

Mr David Mansoor

Application Number: **16/0430/192**

Drawing and Planning Ltd

Registered Date: 22 January 2016

Mercham House

25-27 The Burroughs

Hendon

NW4 4AR

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**:

Extensions to roof involving hip to gable end, rear dormer window and 3 no roof lights to front elevation to facilitate a loft conversion

At: 17 Windsor Avenue, Edgware, HA8 8SR

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

INFORMATIVE(S):

- #### **1 The plans accompanying this application are:**

Drawing no. WIAVE-P203 Received 22 January 2016
Drawing no. WIAVE-P202 Received 22 January 2016
Drawing no. WIAVE-P201 Received 22 January 2016
Drawing no. WIAVE-E202 Received 22 January 2016
Drawing no. WIAVE-E201 Received 22 January 2016
Drawing no. WIAVE-L201 Received 22 January 2016

Drawing no. WIAVE-L001	Received 22 January 2016
Drawing no. WIAVE-E001	Received 22 January 2016
Drawing no. WIAVE-E003	Received 22 January 2016
Drawing no. WIAVE-P001	Received 22 January 2016
Drawing no. WIAVE-P002	Received 22 January 2016
Drawing no. WIAVE-P003	Received 22 January 2016
Drawing no. WIAVE-P004	Received 22 January 2016
Drawing no. WIAVE-S001	Received 22 January 2016
Drawing no. WIAVE-S101	Received 22 January 2016
Drawing no. WIAVE-S201	Received 22 January 2016

- 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 B, C and G Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
- 3 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.
- 4 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.
- 5 The development is permitted by Class B of the General Permitted Development Order 2015 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.

Date of Decision: 19 February 2016

Signed:

Joe Henry
Assistant Director - Development Management & 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.