

Ealing Council

NOTICE OF PLANNING DECISION

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Planning Services
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Reference:
PP/2015/4905

Direct Line:
0208 825 6600

Date:
25/11/2015

Dear Sir/Madam

Your application for a Certificate of Existing Lawful Development has been considered in accordance with the provisions of the Town and Country Planning Act 1990 Section 191 (as amended) and its Orders:

Application Received: 30/09/2015

Drawings/Schedules References: WINRD-L000 OS Map; WINRD-L000 Existing - Site Plan; WINRD-E001 Existing Rear Elevation; WINRD-P001 Existing - First Floor; WINRD-P002 Existing - Second Floor; WINRD-P003 Existing - Loft Plan; WINRD-P004 Existing - Roof Plan; Tenancy agreement dated 28/02/2007 - 28/02/2008; 'Inventory check-in & schedule of condition report' dated 01/03/2007; A 'property visit record' dated 13/09/2008 by the Property Manager at Haart Property Management which describes the condition of the roof terrace as "roof terrace looks nice"; A 'property visit record' dated 05/04/2008 by the Property Manager at Haart Property Management which describes the condition of the roof terrace as "roof terrace looks nice"; 'Updated Inventory after check-out & schedule of condition report' dated 11/08/2008; Tenancy agreement dated 02/10/2009 - 01/10/2010; A statutory declaration signed on 30/07/2015 from the Area Manager of 'Ealing Lettings, Haart Ealing' stating the roof terrace has been as existing since 2007;

Site: FLAT D 57 WINDSOR ROAD EALING W5 3UP

Proposal: Retention of roof terrace with Safety Balustrade above third-floor level (Lawful Development Certificate for Existing Development).

The Council gives notice that the Certificate of Existing Lawful Development is **GRANTED**. The full grounds for this decision are given on the attached schedule.

Yours faithfully



Aileen Jones
Head of Planning Services

Decision Date: - 25/11/2015

Reference No. PP/2015/4905

Schedule of Reasons

1. Sufficient and satisfactory evidence has been provided to show the existing roof terrace to the property at Flat D 57 Windsor Road as defined on the submitted drawings and as described in the submitted application has been in use for a period in excess of 4 years, is hereby deemed lawful by virtue of Sections 171(B) and 191(2)(a) of the Town and Country Planning Act 1990.

Aileen Jones

Reference No. PP/2015/4905

Informatives

The following items are also brought to the applicant's attention:

1. This decision relates solely to the drawings submitted. If the development varies externally in any way from these drawings, this certificate will not apply to the development and it may be that the works involved require you to obtain prior Planning Permission from the Council.

Aileen Jones

Notes

If you are not the applicant, please make sure that these notes are drawn to his/her attention.

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended). It is not a planning permission, and it is not a building regulations approval.

It certifies that the use, operations or matter specified in the notice taking place on the land described in the notice was lawful on the specified date and thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

This certificate applies only to the extent of the development described in this notice and identified on plans referred to in this notice. Any development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

Please note that this decision DOES NOT imply any consent, which may be required under the **Building Regulations** or under any enactment or provision other than Section 57 of the **Town and Country Planning Act 1990**. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the **Party Wall etc. Act 1996**.

The information below set out the rights of applicants who are aggrieved by decisions of the Local Planning Authority. If you are not the applicant please make sure that these notes are drawn to his/her attention.

1. Appeals to the Secretary of State

If you are aggrieved by the decision of the Local Planning Authority not to issue a Certificate of Lawful Development on the terms sought, you may appeal to the Secretary of State for the Environment, Transport and the Regions, under Section 195 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so using a form which can be downloaded from the Planning Inspectorate website www.planning-inspectorate.gov.uk or obtained from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Telephone: 0303 444 5000.

The planning Inspectorate have introduced an online appeals service which you can use to make your appeal and you can access this through the Appeals section of the Planning Portal at www.planningportal.gov.uk/pcs. Please note the data protection and privacy advice given on the Planning Portal.

The Secretary of State can allow a longer period for the giving of a notice of appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it appears to him that the local planning authority could reasonably have issued a Certificate of Lawful Development or could not have issued one in the terms sought by the applicant.

