

Divi-Design Ltd
Kemp House
152 City Road
London
EC1V 2NX

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015 (as amended)

CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

Application Reference: 22/01148/CLP

First Schedule: Certificate of Lawfulness for proposed rear dormer roof extension with installation of 3no. rooflights to front roofslope.

Second Schedule: 96 Montpelier Gardens, East Ham, London, Newham, E6 3JF

The London Borough of Newham hereby certify that on 19th May 2022 the use/operations/matter described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and as identified on the plans specified below, **is LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 for the following reason:

Reason

The proposed development complies with the provisions of: Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans

- Drawing Title: Location and Block Plan – Drawing No: PL01 – Dated: May 2022 – Date Received: 18.05.2022
- Drawing Title: Proposed Plan – Drawing No: PL04 – Dated: May 2022 – Date Received: 18.05.2022
- Drawing Title: Proposed Plan – Drawing No: PL05 – Dated: May 2022 – Date Received: 18.05.2022
- Drawing Title: Proposed Elevations – Drawing No: PL06 – Dated: May 2022 – Date Received: 18.05.2022

No other drawings or documents apply.

Your attention is drawn to the following informative(s):

1. Matching Materials

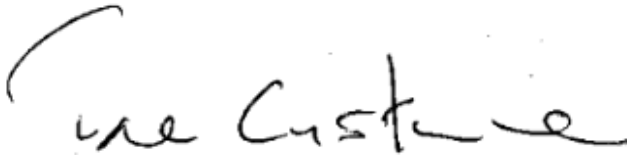
The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwellinghouse.

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990.
2. It certifies that the use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule was/were/would have been lawful on the specified date and therefore, was not/were not/would have not been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies to only the extent of the use/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified on the plans specified above. Any use/operations/matter which is/are materially different from that/those described or which relate(s) 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, 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 are begun, in any of the matters relevant to determining such lawfulness.

Dated: 19/05/2022

Signed:

A handwritten signature in black ink, appearing to read 'Jane Custance', written in a cursive style.

Jane Custance

Director of Planning and Development

London Borough of Newham

Newham Dockside, 1000 Dockside Road, London, E16 2QU

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/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 Ministry of Housing, Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision:

- **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, 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:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision 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 can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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 it without the conditions it imposed, having regard to the statutory requirements and provisions 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'.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial

use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council. This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the Council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Building Control

The London Borough of Newham Building Control Team can offer you a fast, reliable and good value service to meet all your building control needs.

- Residential, Commercial, Schools, Householder and Infrastructure projects
- All surveyors are highly knowledgeable and provide a multi-lingual service
- Same day inspection service available
- Pre-submission consultation advice service offered
- Expertise in fire engineering



Building Notice

Multiple visits carried out at key stages of your development to ensure compliance to Building Regulations.

Full Plans

In depth look into plans to check for approval against the Building Regulations, thereafter offering multiple site visits ensuring all works comply.

Partnership Scheme

Offering a comprehensive plan check service for sites outside the London Borough of Newham.



On-Line Submission

Visit us at www.newham.gov.uk for further information.

Engineering Design Service

If you need a Structural Design carried out please contact us.

Contacting the Team and making your application

- 020 3373 8200 – 09:00 – 10:30 weekdays
- reception.bco@newham.gov.uk
- Building Control Team, 1000 Dockside Road, London E16 2QU
- Apply online at www.iapply.co.uk

