

London Borough of Ealing Council  
Planning Services  
Perceval House  
14-16 Uxbridge Road  
London W5 2HL

23 October 2023

Dear Sir/Madam,

**Town and Country Planning Act 1990 (As Amended)**

**RE: Erection of outbuilding**

**AT: 104 Cumberland Road, Hanwell, London, W7 2EB**

The applicant seeks a Certificate of Lawfulness for a proposed outbuilding at a detached dwelling situated on this residential road to the south-east of Hanwell local centre.

As such please find enclosed the following:

- Completed Application Form
- Details of the site, context etc (included in this cover letter, MZA Planning)
- Site Location Plan (Scale 1:1250, A4)
- 526-EXT-01 Existing Block plan (Scale 1:200, A3)
- 526-EXT-02 Existing ground floor plan / elevations (Scale 1:100, A3)
- 526-PROP-03 Proposed ground floor plan
- 526-PROP-04 Proposed elevations/section
- 526-PROP-05 Proposed block plan

**Site and Surroundings**

The site lies on a corner plot with the front facing west to Cumberland Road and rear facing east towards other houses. The Certificate seeks a new outbuilding to the rear of this dwelling, which lies towards the west of the London Borough of Ealing.



**RTPI**

mediation of space · making of place

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Registered in England 7911049 at 32 Woodstock Grove, Shepherds Bush, London W12 8LE

The site comprises a 2-storey detached dwelling on the eastern side of Cumberland Road and lies in an unallocated built-up area as defined by the LB Ealing Local Plan Policies Map.

### **Planning History**

There are no previous applications of relevance recorded at the property.

### **Proposed Development**

The proposal involves the following development as detailed in the following brief summary:

- Outbuilding – measuring 6m in length, 4m in width and 3.9m height to the top of a pitch roof at the rear of the dwelling. It would be built from timber – black larch cladding – and would accommodate play/activities and store rooms. Its side eaves would be 2.5m height and it would be situated at least 2m from the property boundary.

This application for a Certificate of Lawfulness therefore seeks to confirm that the works are lawful under the relevant criteria.

### **Legislative Background**

Section 192 of the Town and Country Planning Act 1990 relates to Certificates of Lawfulness of Proposed Use or Development and forms the legislative framework to ascertain whether an existing use is lawful.

An application for a Certificate of Lawfulness should be used to establish whether:

- Any proposed use of buildings or other land, or any operational development would be lawful.

The tests to establish whether a use is lawful are set out in greater detail in the Planning Practice Guidance (the PPG) Paragraph 006, Reference ID: 17c-006-20140306 which states:

- The Applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to cooperate with an Applicant who is seeking information that the authority may hold about the planning status of the land.
- A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the Applicant who needs to have the opportunity to comment on it and possibly produce counterevidence.
- In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

It is considered that the proposed development would be lawful as demonstrated by the plans as the operations would comply with the relevant permitted development provisions.

### **Evidence in Support of Application**

A Certificate of Lawfulness of Proposed Use or Development (CLOPUD) is sought for the erection of an outbuilding at the rear of the dwelling. In order to demonstrate that the works as set out above are permitted development, we provide the following evidence.

The proposed outbuilding at the property is to be assessed against the applicable criteria under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). These provide for development within the curtilage of the dwellinghouse subject to the assessment criteria outlined below:

Part 1: Development within the curtilage of a dwellinghouse

*Class E – buildings etc incidental to the enjoyment of a dwellinghouse*

### **Permitted development**

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the

maintenance, improvement or other alteration of such a building or enclosure;

GPDO	Assessment
E.1 Development is not permitted by Class E 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);	N/a
(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	The outbuilding would cover less than 50% of the total curtilage as demonstrated by the proposed block plan.
(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	The outbuilding would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
(d) the building would have more than a single storey;	The outbuilding would not have more than a single storey.
(e) the height of the building, enclosure or container would exceed—	
(i) 4 metres in the case of a building with a dual-pitched roof,	The height of the building would not exceed 4 metres in height.
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or	N/a
iii) 3 metres in any other case;	N/a
(f) the height of the eaves of the building would exceed 2.5 metres;	The height of the eaves of the outbuilding would not exceed 2.5 metres.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	N/a
(h) it would include the construction or provision of a verandah, balcony or raised platform;	N/a
(i) it relates to a dwelling or a microwave antenna; or	N/a
(j) the capacity of the container would exceed 3,500 litres.	N/a

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

*N/a*

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

*N/a*

## Summary

The application concerns proposals for an outbuilding as shown in the attached plans at the rear of the dwelling. These comply with criteria for a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) to be granted.

I trust the enclosed is in order and look forward to confirmation that the application has been validated and assigned to a case officer. Please do not hesitate to contact me should you have any further questions.

Yours sincerely,

*MZA Planning*

**Gareth Evans (Senior Planning Consultant)**  
**MZA Planning**