



building development
design / specification
planning
construction management
property management

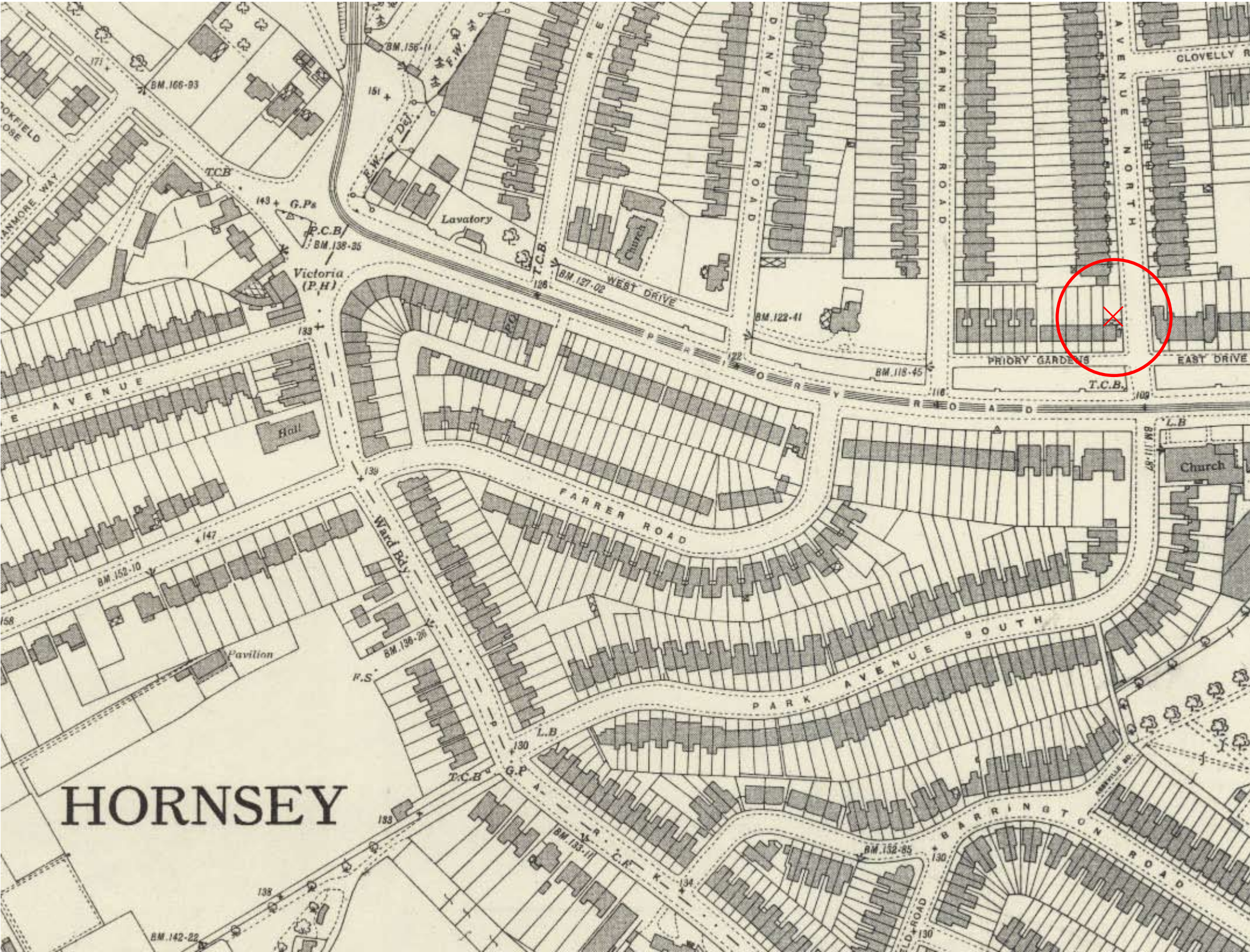
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72 Priory Road
London N8

LAWFUL DEVELOPMENT CERTIFICATE - JANUARY 2023

ORIGINAL DWELLINGHOUSE

LAWFUL DEVELOPMENT CERTIFICATE - JANUARY 2023



Middlesex XII.5 OS 1935 - 1936, Published 1938

GENERAL NOTES:
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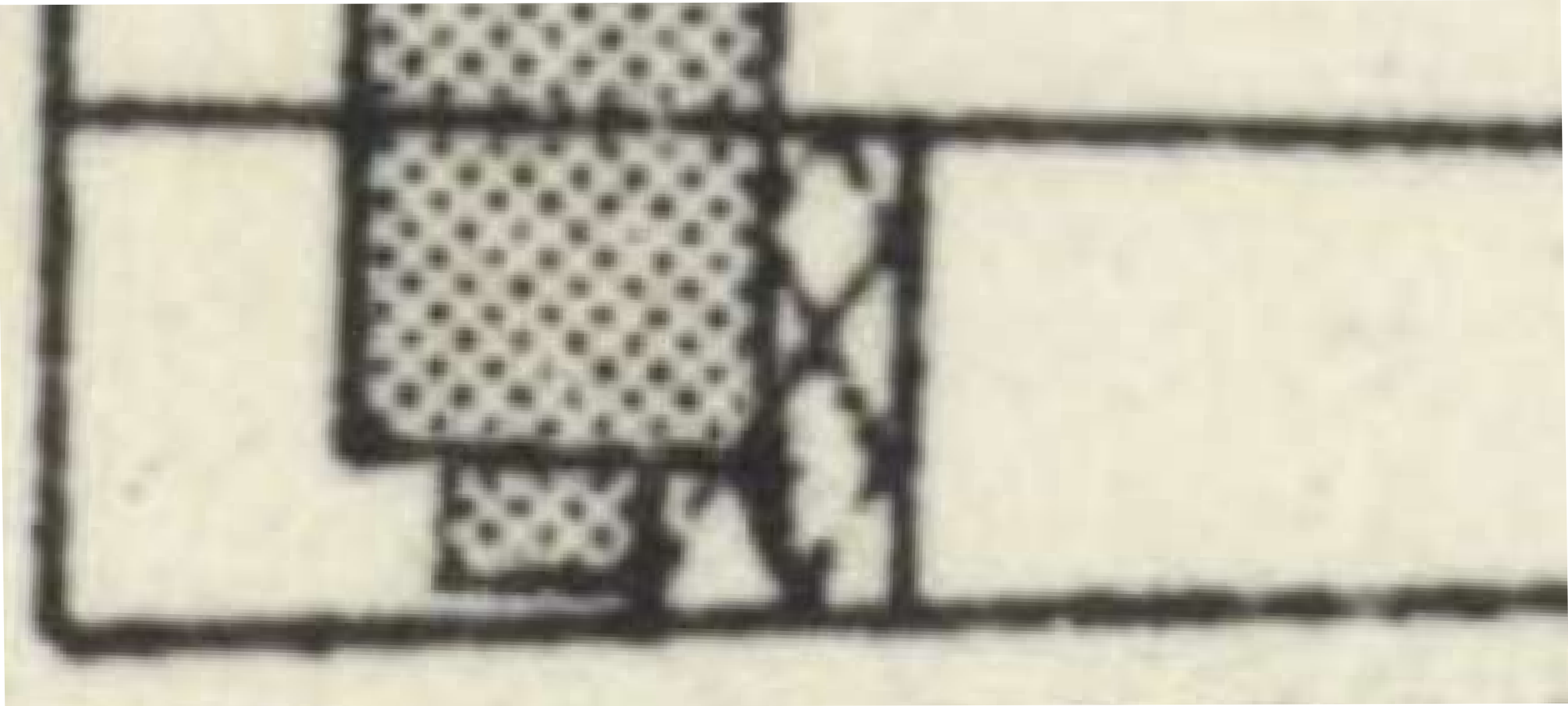
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Client:
Makin Polya

Project:
**72 Priory Road
London N8 7EY**

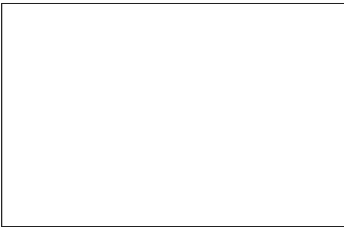
Title:
Historic Mapping 1

Scale:	Date:	Jan 2023
Issue Status:	LDC	
Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/OD1	A



Extract From Middlesex XII.5 OS 1935 - 1936, Published 1938 (Scaled at 1:100)

The dwellinghouse at 72 Priory Road first appears on ordnance survey maps from the mid 1930’s. The original house was constructed with a conservatory structure to the rear, shown on mapping with a hatched pattern. Part of the original structure remains in place, whilst a section to the rear has been removed. Historic aerial photography shows that the conservatory structure was in place in April 1947 and so formed part of the original dwellinghouse (pre 1st July 1948).



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London N8 7EY

Title:
Historic Mapping 2

Scale: Date: Jan 2023

Issue Status: LDC

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/OD2	A



Aerial Photograph: raf_cpe_uk_2040_v_5399 - Date 27/04/1947. Historic England Archive

Aerial photograph from the Historic England Archive (RAF Photography) clearly showing the presence of the conservatory structure to the rear of 72 Priory Road in April 1947.

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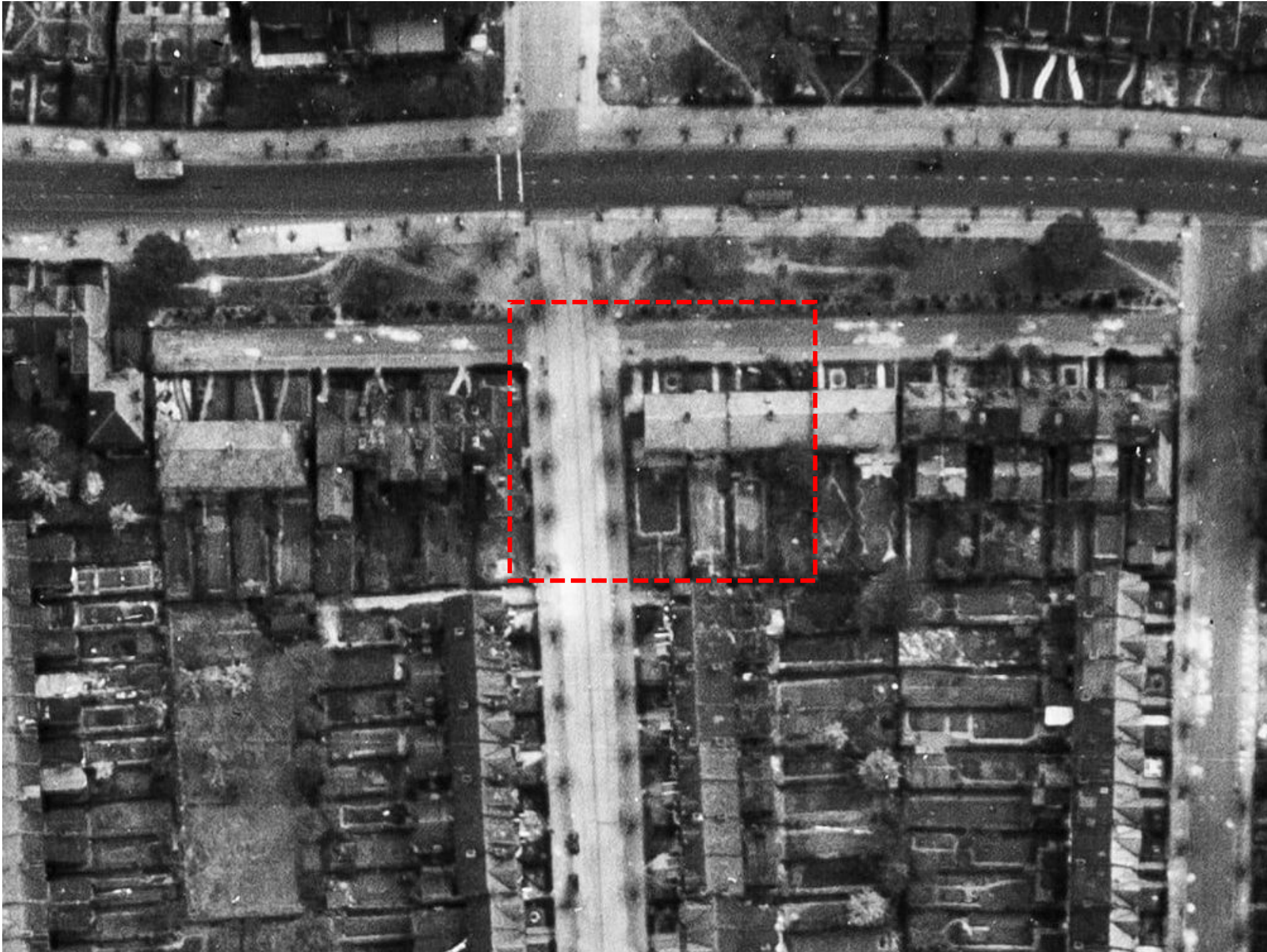
Project:

72 Priory Road
London N8 7EY

Title:

Aerial Photograph 1

Scale:	Date:	Jan 2023
Issue Status:	LDC	
Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/OD3	A



Aerial Photograph: raf_cpe_uk_2040_v_5398 - Date 27/04/1947. Historic England Archive

Aerial photograph from the Historic England Archive (RAF Photography) clearly showing the presence of the conservatory structure to the rear of 72 Priory Road in April 1947.

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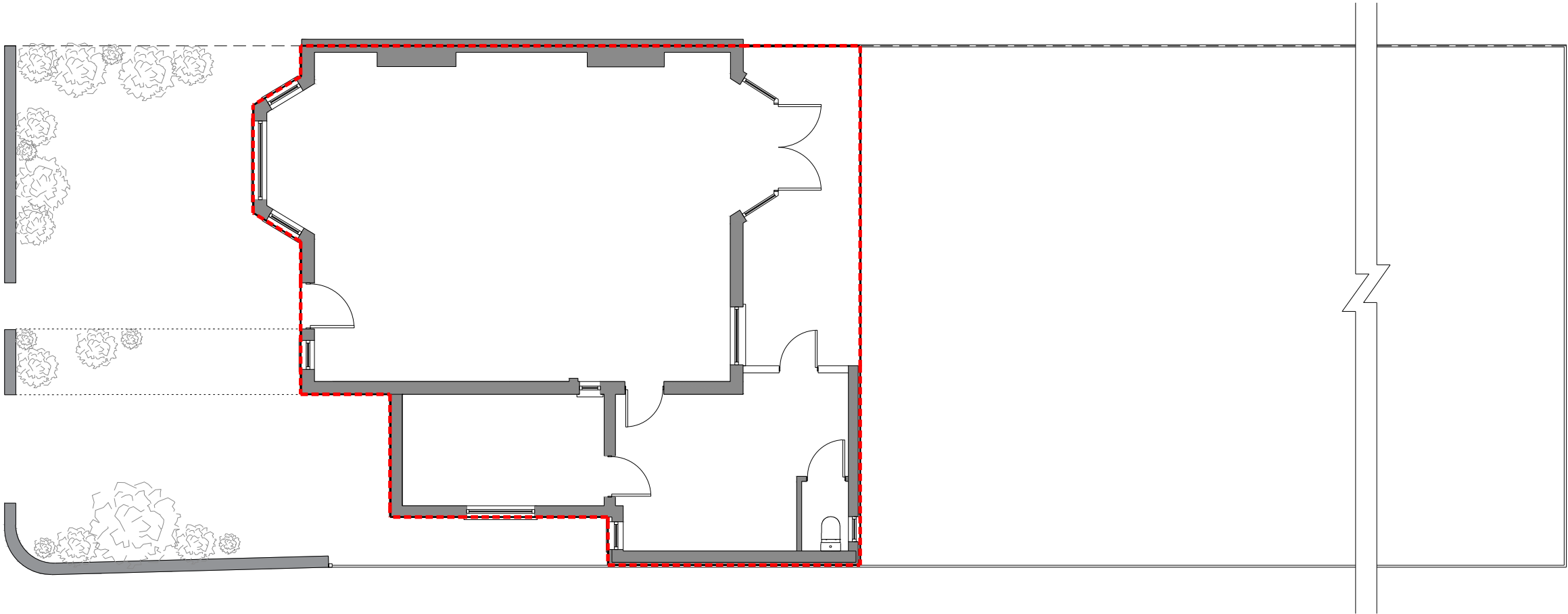
Title:
Aerial Photograph 2

Scale: Date: **Jan 2023**
Issue Status: **LDC**

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/OD4	A



EXISTING GROUND FLOOR OVERLAID WITH HISTORIC OS MAP (1938) (1:100)



OUTLINE OF ORIGINAL DWELLINGHOUSE (1 July 1948) (1:100)

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Client:
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Project:
**72 Priory Road
London N8 7EY**

Title:
Historic Mapping 3

Scale: Date: **Jan 2023**

Issue Status: **LDC**

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/OD5	A

Precedent

Article 1(2) of the GPDO 1995 defines "*original*" as meaning "*in relation to a building existing on 1 July 1948, as existing on that date and, in relation to a building built on or after 1 July 1948, as so built*".

Accordingly, past precedent is that a rear wall which formed part of the original dwelling-house, as existing on 1 July 1948, which has been partially or entirely removed, still forms part of “*the rear wall of the original dwelling house*” for purposes of assessing extensions under class A of the General Permitted Development Order. This includes original rear walls formed of conservatories.

There are a large number of appeal decisions supporting this position. The below are of particular relevance to this application.

Appeal Ref: APP/L5810/X/13/2190160

The inspector states,

“Article 1(2) of the GPDO defines “original” in relation to a building existing on 1 July 1948, as existing on that date and there is no question that the conservatory was part of the original building; therefore its rear wall was the rear wall of the original building and the extended part now erected does not extend beyond 3m from that wall. However, does the original building have to remain in situ for permitted development rights to still be available? It seems to me that what has taken place at No.36 was all one operation which consisted of the incorporation of the footprint of the former conservatory into the new enlargement of the building, and on the strict wording of the GPDO I consider it is unnecessary for the original part of the building to have had to remain in place.”

Appeal Ref: APP/U5360/X/15/3006743

The inspector states,

“The meaning of “original dwellinghouse” is provided by the GPDO and summarised in the DCLG document “Permitted Development for householders – Technical Guidance”. Put simply, “original” means a building as it existed on 1 July 1948 - where it was built before that date - and as it was built when built after that date. A complication can arise where part of an original dwellinghouse has been demolished and subsequently rebuilt. The Council asserts that this might have occurred here. The Council’s Delegated Report of 18 February 2015 states that “it appears that the

existing single storey and closet wing rear additions are not part of the original dwellinghouse due to their architectural design features and materials which are not consistence(sic) with the original building and other buildings in the streetscene.” In cases where some rebuilding or remodeling of parts of a house has taken place, it is customary to regard the footprint (the ground area) of the “original dwellinghouse” as the appropriate starting point for considering whether the proposed works would be permitted by Class A.”

Appeal ref: APP/J0405/X/14/2222083

The inspector states,

“Again, a part of the enlarged part of the dwellinghouse would be single storey but it does not theoretically extend more than 4m beyond the rear wall of the original dwelling. I deliberately say theoretically because of course the rear wall no longer exists. The question is whether this is critical. I have to give the ordinary meaning to the words in the GPDO in a broad and commonsense manner. This paragraph is not qualified by the use of such words as “existing” or “remaining” and I see no justification for implying such a qualification. I do not see this interpretation will allow piggy-backing or incremental development to any significant extent. The baseline remains the same, namely that the starting point is the original dwellinghouse. It merely means that in these particular circumstances where an element has been demolished it may potentially be replaced as permitted development and thereafter further extensions added.”

Appeal Ref: APP/Q1445/X/19/3233112

The inspector states,

“The Council argues that as the original lean-to has now been demolished, the extension is therefore now a wraparound extension that extends beyond the rear elevation of the original dwelling by 5.1 metres. However, in Article 2 Interpretation (1), the GPDO defines “original” as (a) a building existing on 1st July 1948 as the building as existing on that date; or (b) in relation to a building built on or after 1st July 1948, as so built. There is no dispute between the parties that the lean-to was part of the original building. It is evident from the submitted drawings and from what I observed on site that the rear extension as built does not extend beyond the rear of the original dwelling, being the rear wall of the now demolished lean-to.”

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Title:
Precedent

Scale:	Date:
	Jan 2023
Issue Status: LDC	

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/OD6	A

Appeal A: APP/T5150/X/15/3002207

The inspector states,

“The Council also argue that as the [original side projection] has been demolished, its rear wall could not be taken into consideration. The way permitted development works is that the “original” building is used as a basis for measurements and the fact that some changes are made does not mean that the original wall positions should now be ignored for measurement purposes. The development is permitted if the enlarged part of the dwellinghouse would have a single storey and would extend beyond the rear wall of the original dwellinghouse by no more than 3 metres in the case of a semi-detached house. It is clear that it is the original dwellinghouse that is to be considered for measuring purposes. “Original” means a building as it existed on 1 July 1948 where it was built before that date, and it is acknowledged that is the case with the appeal building. I therefore conclude that the presence of the [original side projection] is to be taken into consideration for the purposes of assessing the permitted development rights, but it is for the applicant to demonstrate what the original arrangement would have been on the balance of probability.”

Appeal Ref: APP/J9497/X/18/3201442

The inspector states,

“Where permitted development rights are based on the “original” building the definition in the GPDO must be used. If there is a missing element of a pre-1948 dwelling, it is necessary to ascertain from the available evidence what the dimensions were in 1948, in order to determine the extent of the permitted development right. The appellant makes reference to an appeal decision elsewhere “May 2016 - Code a00689” and also to the Arnold [Arnold v SSCLG [2015] EWHC 1197 (Admin), [2017] EWCA Civ 231] case in support of how the term “original” building is interpreted and I agree with this position. However, I make a distinction between what constitutes an original building and what constitutes an original dwellinghouse, which could be different as a building could contain more than one dwelling. I do not accept the Authority’s interpretation of the GPDO or their reliance on DCP where reference is made to the “reduced building” as the starting point for calculations and as set out in the officer’s report on the LDC application in respect of A.1.(e) and A.2 (b). The Authority did not provide any further explanation of their position in their appeal statement that would have allowed me to understand how they reached this view.”

Appeal Ref: APP/H5960/X/09/2118434

The inspector states,

“In any event, it seems to me that, even if the Council is correct, this does not prevent the original line from being used to assess whether the extension would be permitted development. I see no implication that “original” means “unaltered”.”



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Title:
Precedent

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118MR01	72PR/MP/2/OD7	A

DETAILS OF COMPLIANCE

LAWFUL DEVELOPMENT CERTIFICATE - JANUARY 2023

Details of Compliance

Compliance with the General Permitted Development Order

This application for a Lawful Development Certificate relates to the creation of a ground floor rear extension and roof extension at 72 Priory Road, London N8 7EY under permitted development rights.

The development is compliant with the limitations and conditions of the General Permitted Development Order. The following section describes the method of compliance in each case.

General

- 1) The host property is a single dwelling house.
- 2) The land on which the house stands is not classified as designated land.
- 3) The host property is not listed
- 4) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 (change of use)

Ground Floor Extension

- 5) The proposed works will not result in the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceeding 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) in accordance with the limitations of Condition A.1(b).
- 6) The height of the proposed single storey rear extension will not exceed the height of the highest part of the existing dwellinghouse in accordance with the limitations of Condition A.1(c).
- 7) The height of the eaves of the proposed single storey rear extension will not exceed the eaves height of the existing dwellinghouse in accordance with the limitations of Condition A.1(d).

- 8) The proposed extension is to the rear of the existing dwellinghouse and does not extend beyond a wall that fronts a highway or forms a principal or side elevation of the original dwellinghouse in accordance with the limitations of Condition A.1(e).
- 9) The proposed extension has a depth of 3m measured from the rear wall of the original dwellinghouse in accordance with the limitations of Condition A.1(f)(i).
- 10) The proposed extension is single storey and does not exceed 4 metres in height in accordance with the limitations of Condition A.1(f)(ii).
- 11) The existing property consists of two brickwork storeys, together with a single storey rear conservatory. As demonstrated within the enclosed documents, these elements pre-date 1 July 1948 and so are the "original" structures as defined by the GPDO and form the rear wall of the original dwellinghouse for the purposes of assessing the depth of the proposed extension.
- 12) The proposal relates to a single storey rear extension and so Condition A.1(h) does not apply.
- 13) The proposed single storey rear extension has an eaves height of 3m in accordance with the limitations of Condition A.1(i).
- 14) The proposed extension does not extend beyond a wall forming a side elevation of the original dwellinghouse and so Conditions A.1(j) does not apply.
- 15) In accordance with the limitations of Condition A.1(k), the proposed single storey rear extension does not involve:

(i) The construction or provision of a veranda, balcony or raised platform.

(ii) The installation, alteration or replacement of a microwave antenna.

(iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- 16) The application site is not on article 1(5) land and so Conditions A.2(a), A.2(b), A2(c) and A2(ca) do not apply.
- 17) All new materials used in the construction of the proposed extension will be of a similar visual appearance to those found within the existing dwellinghouse in accordance with the limitations of Condition A.3(a).

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Title:
Details of Compliance

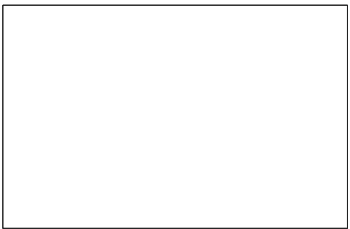
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- 18) The proposal relates to a single storey rear extension and so Condition A.3(b) does not apply.
- 19) The proposal relates to a single storey rear extension and so Condition A.3(c) does not apply.

Roof Extension

- 20) No part of the proposed loft extension is higher than the highest part of the existing roof in accordance with the limitations of Condition B.1(b).
- 21) No part of the proposed loft extension extends beyond the plane of the existing roof slope of the principal elevation that fronts onto Priory Road in accordance with the limitations of Condition B.1(c).
- 22) The additional roof space created will not exceed the volume allowance of 40m³ for terraced houses in accordance with the limitations of Condition B.1(d). Please refer to the area calculation provided.
- 23) The loft development does not form or include a Veranda, balcony or raised platform in accordance with the limitations of Condition B.1(e).
- 24) The materials used in the construction of the roof extension will be of similar appearance to those used in the construction of existing dwellinghouse in accordance with the limitations of Condition B.2(a).
- 25) The eaves of the original roof will be reinstated in accordance with the limitations of Condition B.2(b)(i)(aa).
- 26) The rear dormer is set back from the eaves of the existing roof by more than 200mm, measured along the roof plane in accordance with the limitations of Condition B.2(b)(i)(bb).
- 27) No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse in accordance with the limitations of Condition B.2(b)(ii).
- 28) No windows are positioned within a side elevation of the property and so Condition B.2(c) does not apply.
- 29) The proposed rooflights do not protrude more than 150mm beyond the roof slope in accordance with the limitations of Condition C.1(b).

- 30) The highest part of the development does not extend above the highest part of the original roof in accordance with the limitations of Condition C.1(c).
- 31) Condition C.1(d) does not apply to the development.
- 32) No windows are positioned within a side elevation of the property and so Condition C.2 does not apply.



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Details of Compliance

Scale:

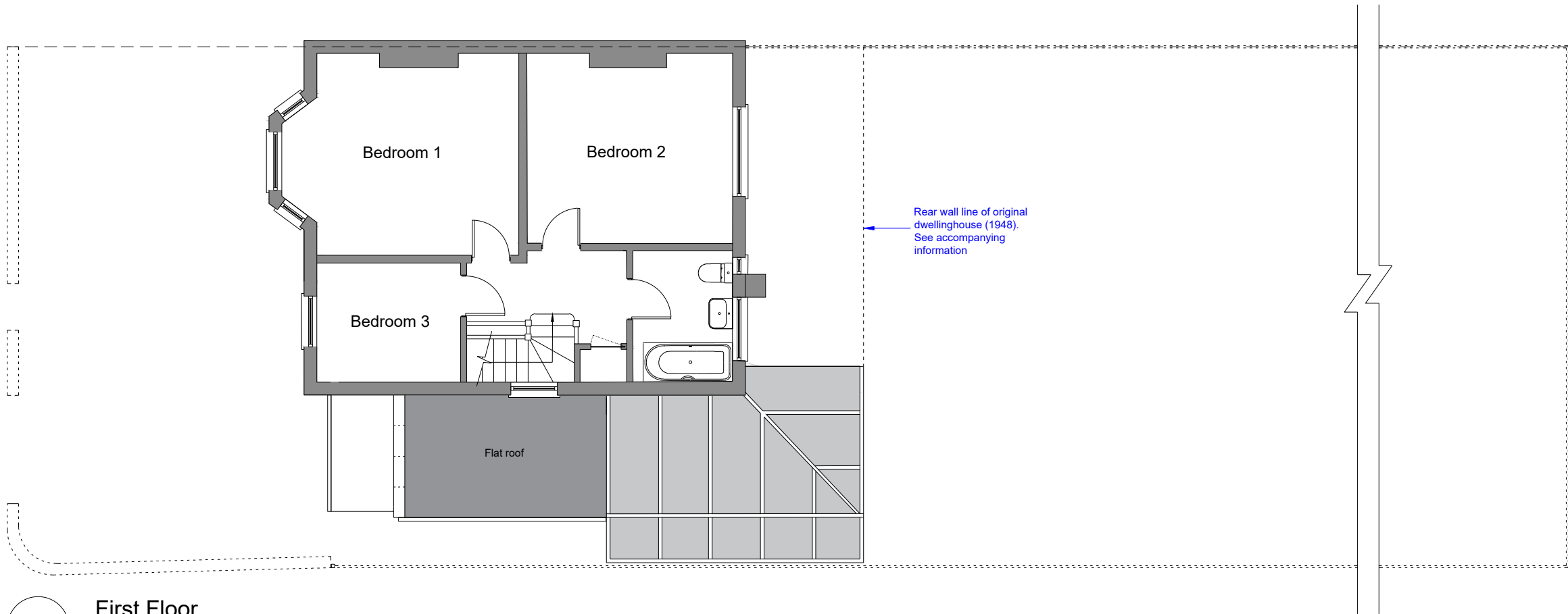
Date: **Jan 2023**

Issue Status: **LDC**

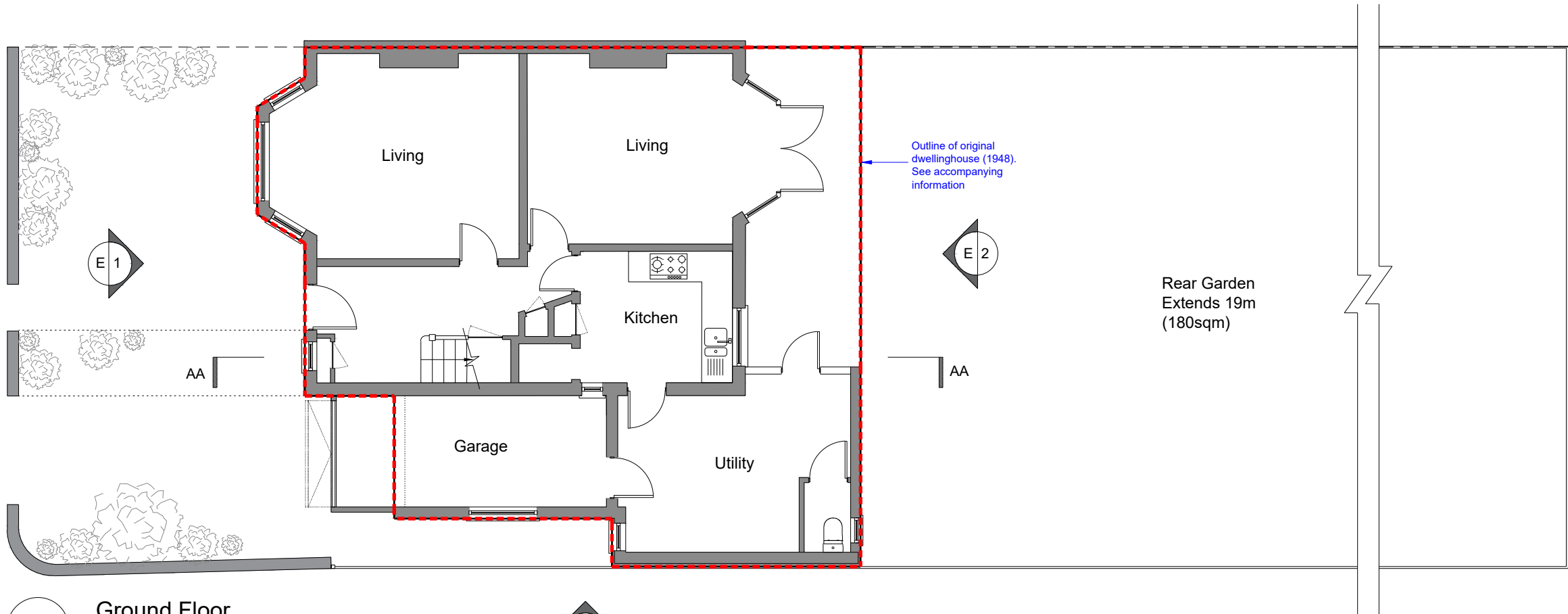
Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/DC2	A

EXISTING PLANS

LAWFUL DEVELOPMENT CERTIFICATE - JANUARY 2023



First Floor
1:100 @ A3



Ground Floor
1:100 @ A3

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0m 1m 2m 3m 4m

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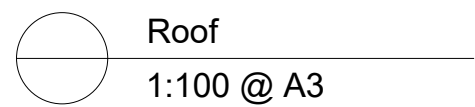
Title:

Floor Plans 1 - Existing

Scale: 1:100@A3 Date: Jan 2023

Issue Status: LDC

Job No:	Drawing Number:	Rev:
72PR01	72PR/MP/2/E1	A



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Project:
72 Priory Road
London N8 7EY

Title:

Floor Plans 2 - Existing

Scale:	1:100@A3	Date:	Jan 2023
Issue Status:	LDC		
Job No:	Drawing Number:	Rev:	
722PR01	72PR/MP/2/E2	A	



E
1 **Front Elevation**
1:50 @ A3

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0m 1m 4m 6m 8m

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Client:

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Project:

**72 Priory Road
London N8 7EY**

Title:

Front Elevation - Existing

Scale: **1:50@A3** Date: **Jan 2023**

Issue Status: **LDC**

Job No:	Drawing Number:	Rev:
72PR01	72PR/MP/2/E3	A



E
2
Rear Elevation
1:50 @ A3

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0m m 4m 6m 8m

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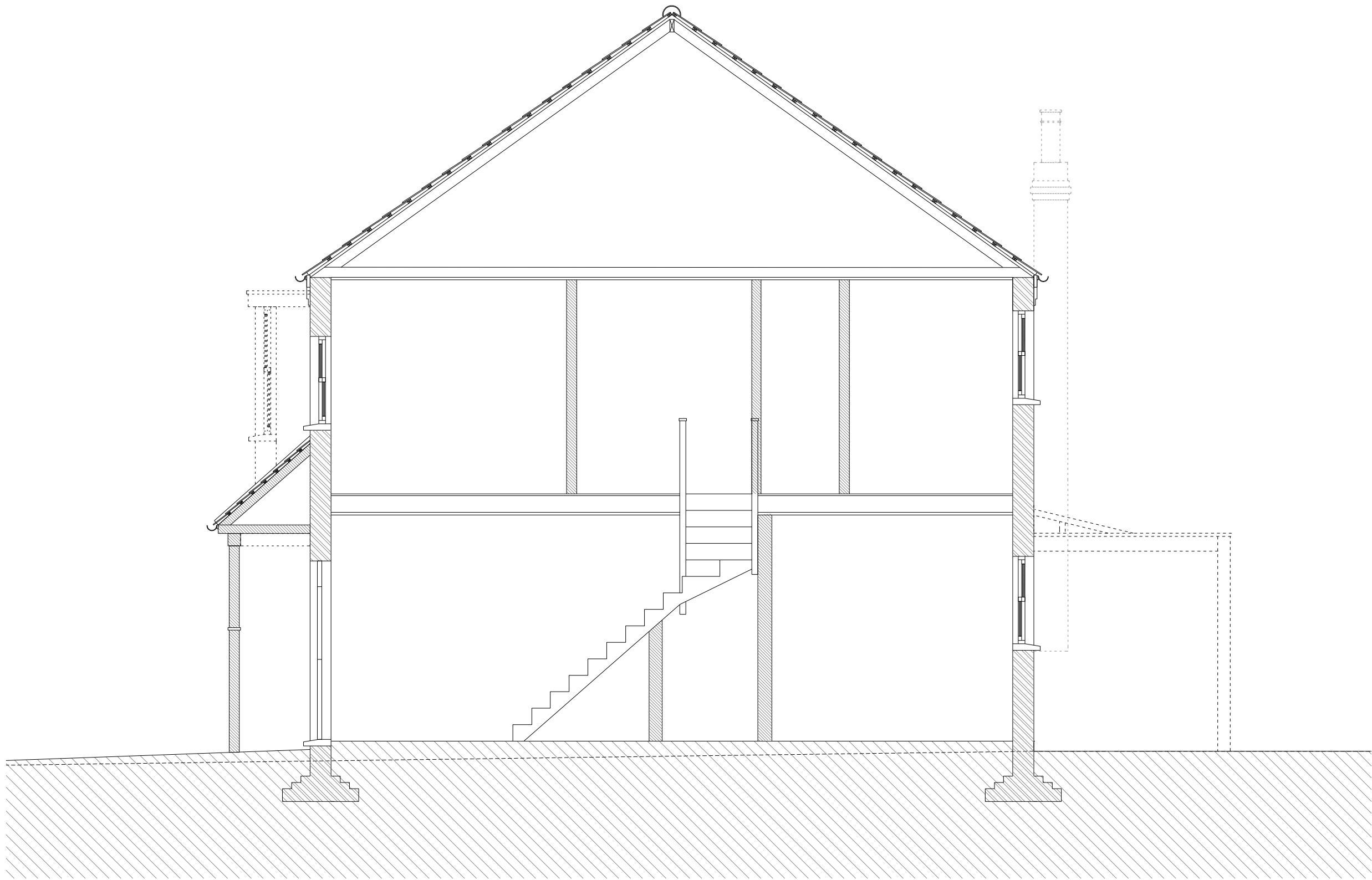
Project:
**72 Priory Road
London N8 7EY**

Title:
Rear Elevation - Existing

Scale: 1:50@A3 Date: Jan 2023

Issue Status: LDC

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/E4	A



A
A

Side Section
1:100 @ A3

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0m 1m 4m 6m 8m

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Project:

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Title:

Section AA - Existing

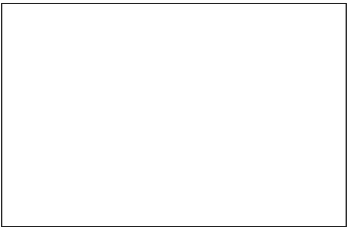
Scale: **1:50@A3** Date: **Jan 2023**

Issue Status: **LDC**

Job No:	Drawing Number:	Rev:
72PR01	72PR/MP/2/E6	A



Existing Rear Windows



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Client:
Makin Polya

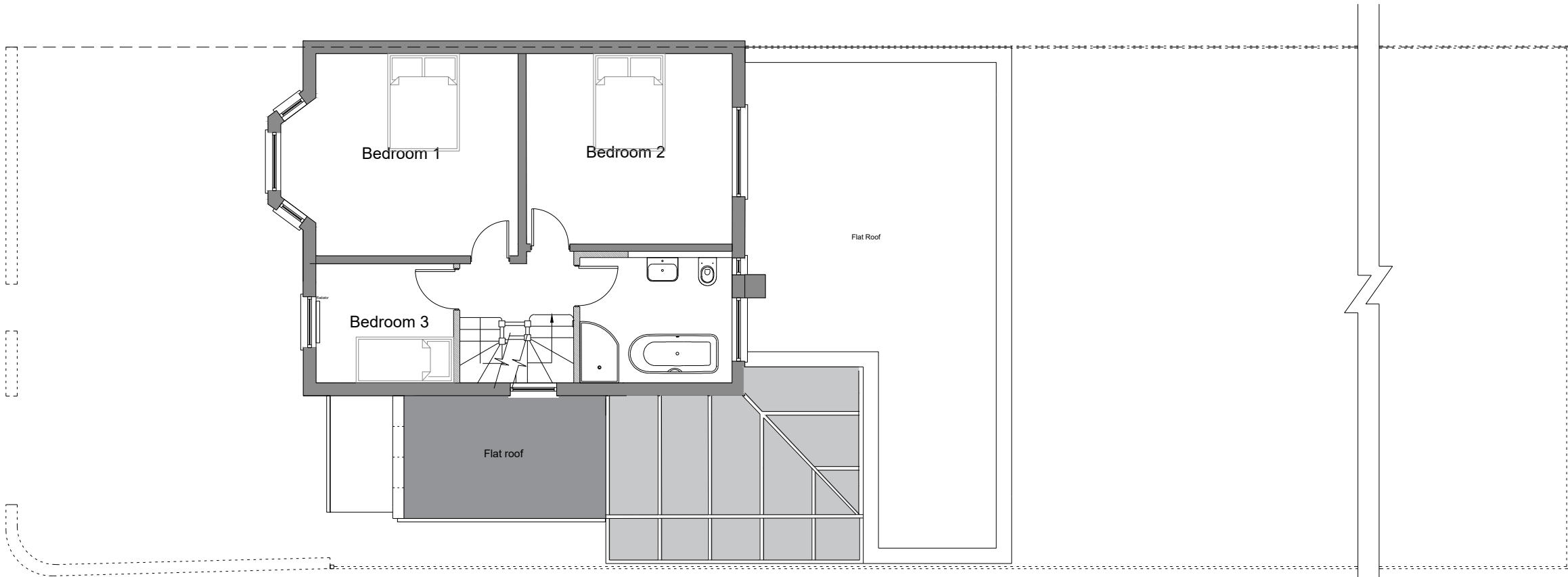
Project:
**72 Priory Road
London N8 7EY**

Title:
Rear Windows - Existing

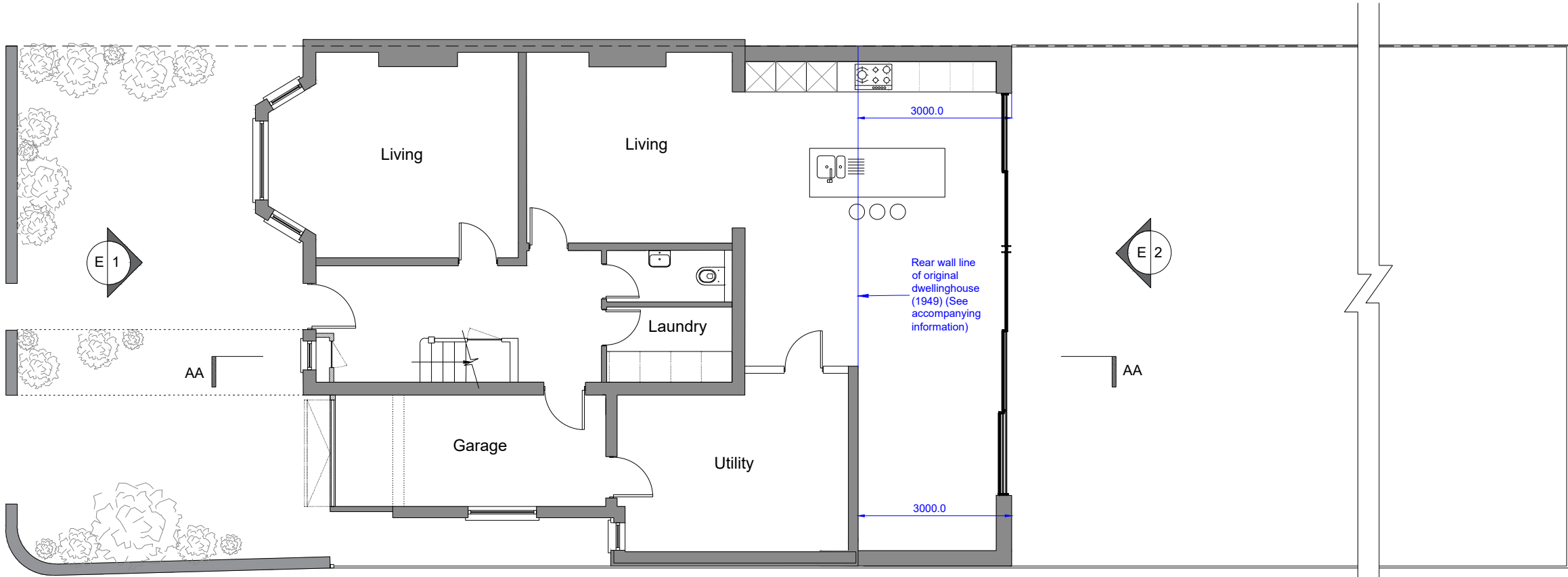
Scale:	Date:	Jan 2023
Issue Status:	LDC	
Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/E7	A

PROPOSED PLANS

LAWFUL DEVELOPMENT CERTIFICATE - JANUARY 2023



First Floor - Proposed
1:100 @ A3



Ground Floor - Proposed
1:100 @ A3

GENERAL NOTES:
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Errors to be reported immediately to the Architect.
To be read in conjunction with all relevant Architects',
Services and Structural Engineers' drawings.
All Existing site, tree and building information has been compiled from
different sources. All dimensions to be checked on site.

0m 1m 2m 3m 4m

Rev	Date	Description	By	Check	App
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Client:
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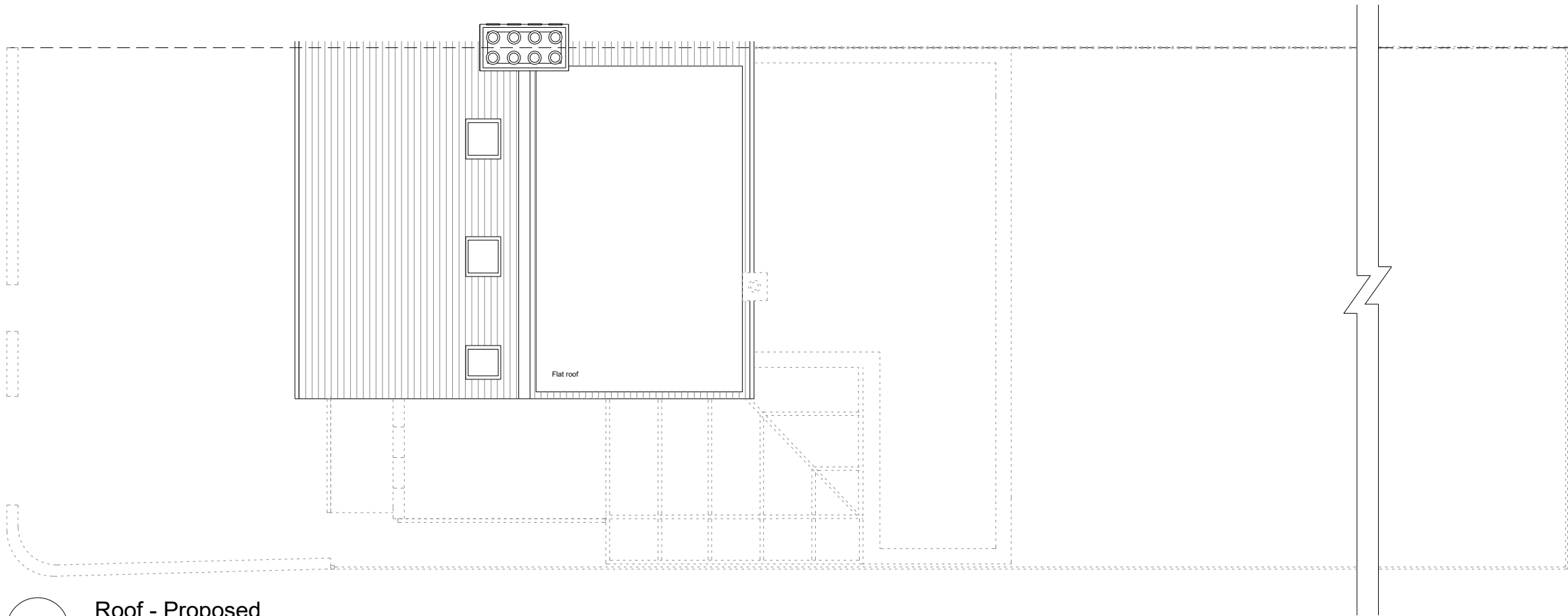
Project:
**72 Priory Road
London N8 7EY**

Title:
Floor Plans 1 - Proposed

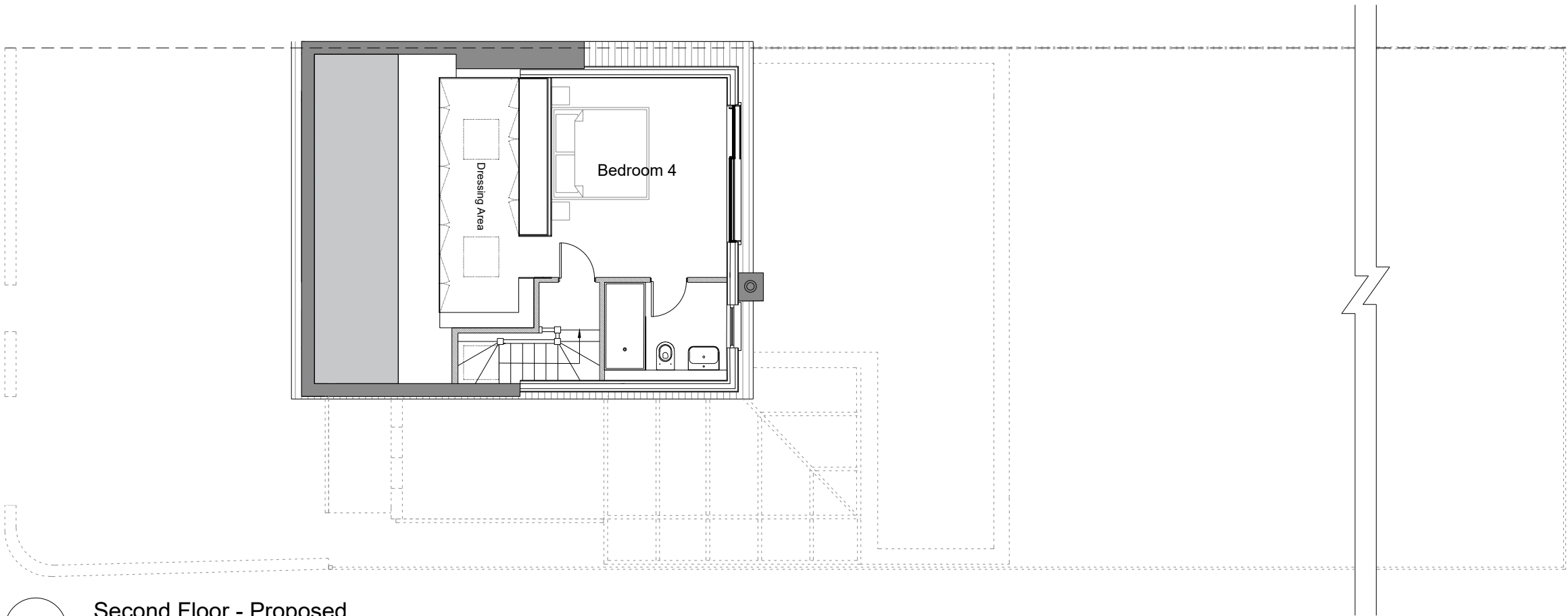
Scale: 1:100@A3 Date: Jan 2023

Issue Status: LDC

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/P1	A



Roof - Proposed
1:100 @ A3



Second Floor - Proposed
1:100 @ A3

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0m 1m 2m 3m 4m

Rev	Date	Description	By	Check	App
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Project:
**72 Priory Road
London N8 7EY**

Title:
Floor Plans 2 - Proposed

Scale: **1:100@A3** Date: **Jan 2023**

Issue Status: **LDC**

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/P2	A



E 1 Front Elevation - Proposed
1:50 @ A3

GENERAL NOTES:
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4 New rooflights not protrud-
ing more than 150mm
beyond the roof slope

0m 1m 4m 6m 8m

Rev	Date	Description	By	Check	App



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Client:
Makin Polya

Project:
**72 Priory Road
London N8 7EY**

Title:
Front Elevation - Proposed

Scale: **1:50@A3** Date: **Jan 2023**

Issue Status: **LDC**

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/P3	A



GENERAL NOTES:

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- 1 Brickwork to be of a similar appearance to the existing
- 2 New doors and windows to be grey aluminium to match existing colour
- 3 New tiles to be of a similar appearance to the existing

0m 4m 8m

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Project:

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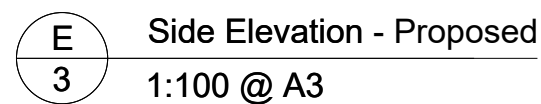
Title:

Rear Elevation - Proposed

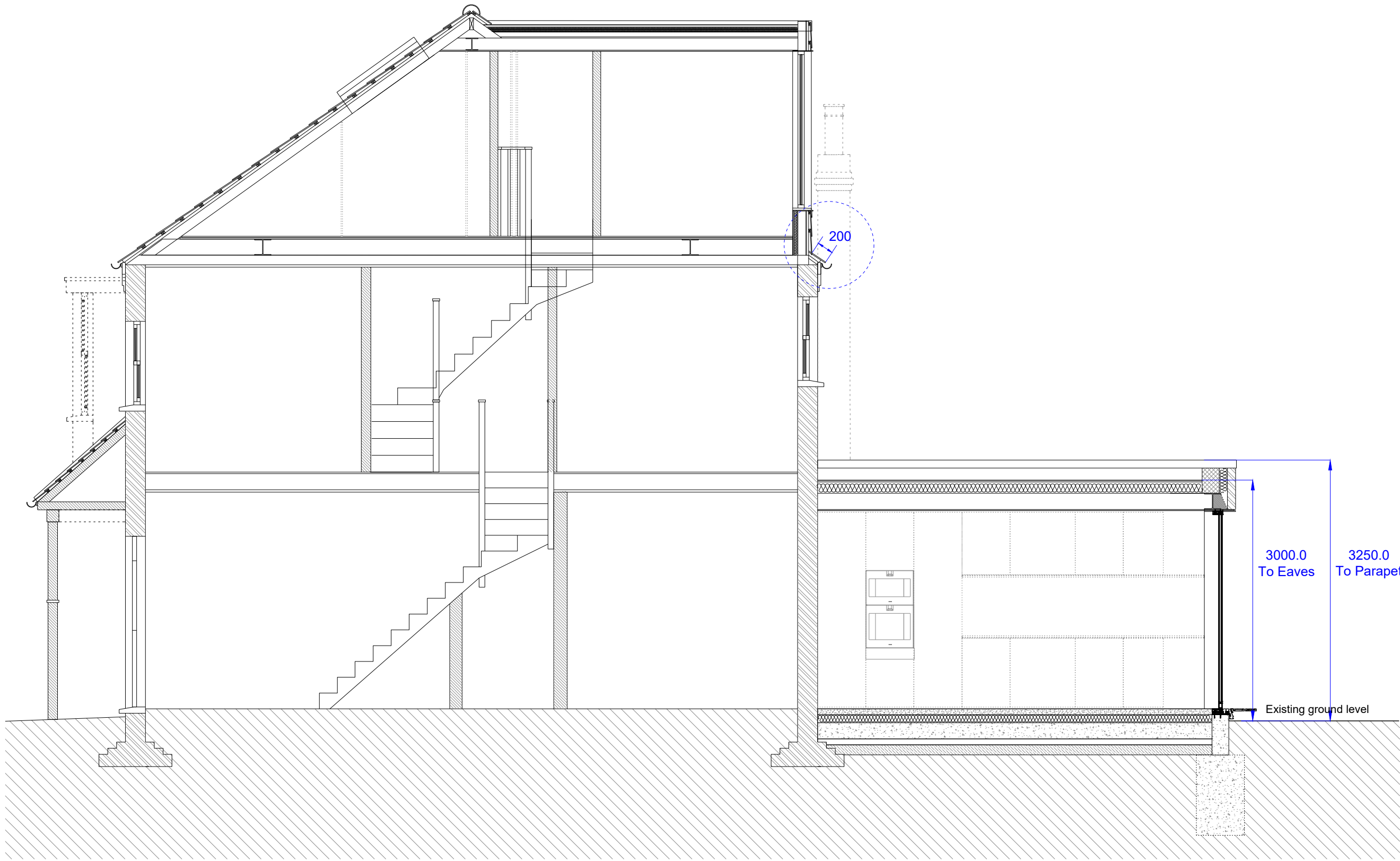
Scale: 1:50@A3 Date: Jan 2023

Issue Status: LDC

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/P4	A



Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/P5	A



A
A

Side Section - Proposed
1:50 @ A3

GENERAL NOTES:
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0m 1m 4m 6m 8m

Rev	Date	Description	By	Check	App


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Client:
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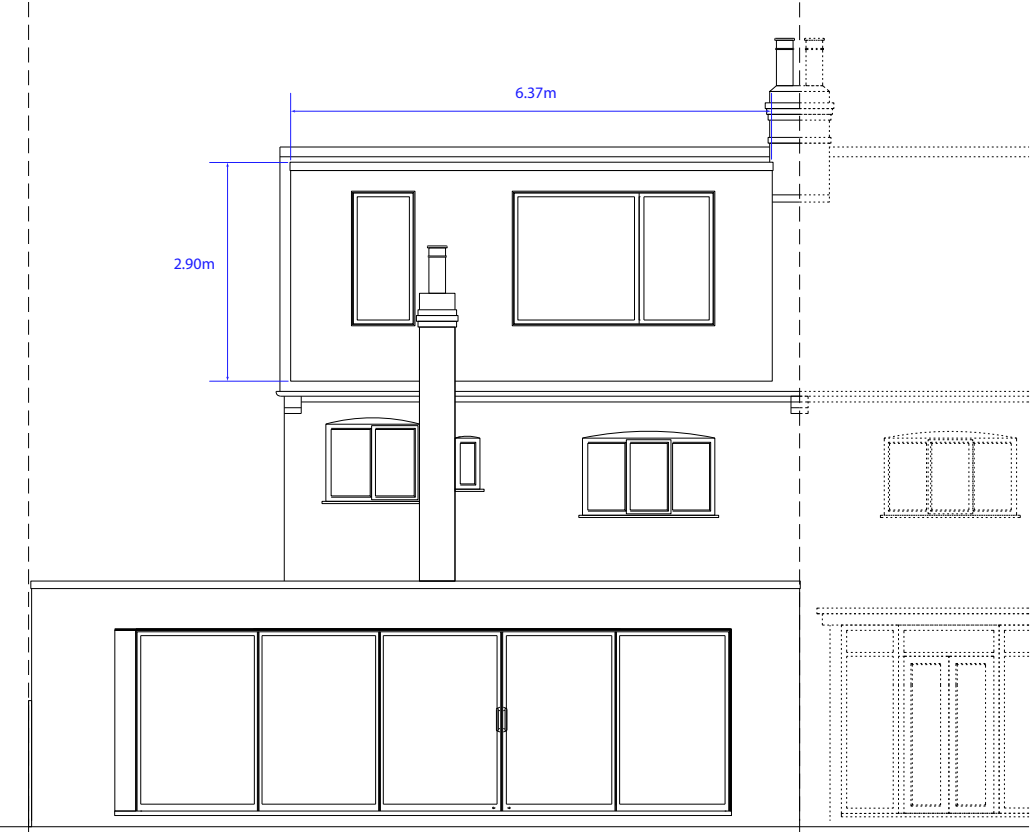
Title:
Side Elevation - Proposed

Scale: **1:50@A3** Date: **Jan 2023**

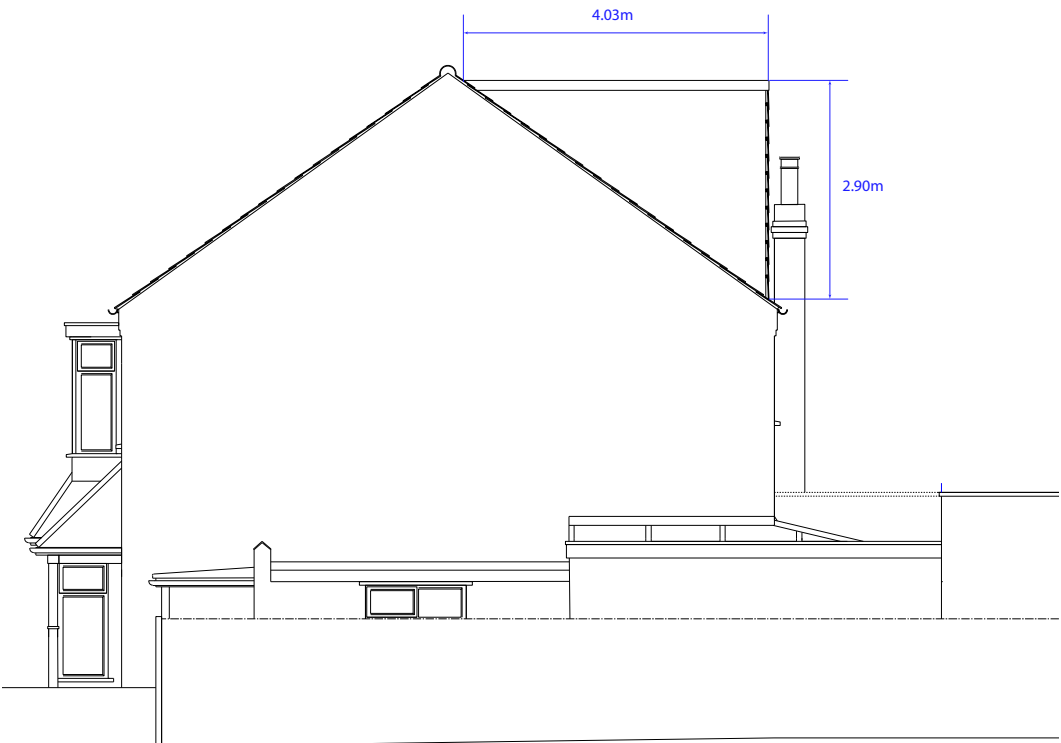
Issue Status: **LDC**

Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/P6	A

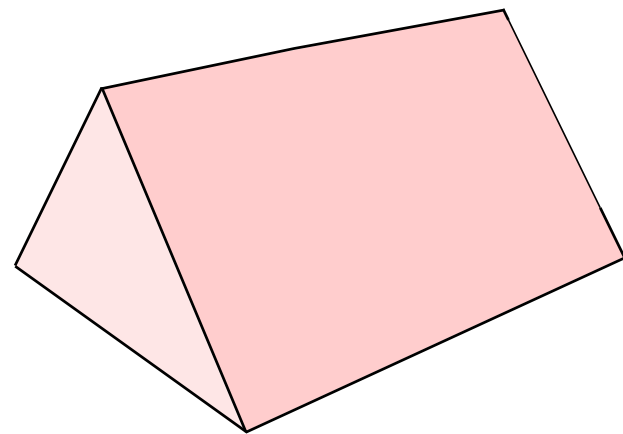
PROPOSED REAR ELEVATION



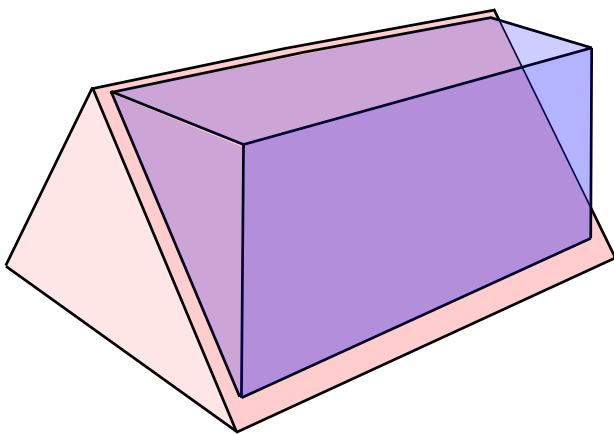
PROPOSED SIDE ELEVATION



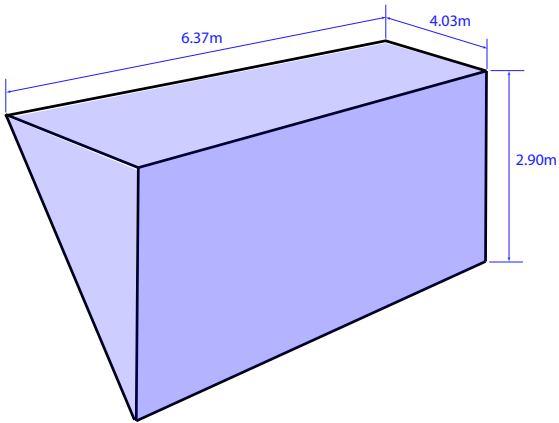
ROOF VOLUME CALCULATION



EXISTING



PROPOSED BOX DORMER



ADDITIONAL VOLUME

BOX DORMER
VOLUME CALCULATION:

$$= (6.37 \times 4.03 \times 2.90) / 2$$
$$= 37.22 \text{ m}^3$$

TOTAL VOLUME OF ROOF
EXTENSIONS = 37.22 m3

GENERAL NOTES:
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Client:
Makin Polya

Project:
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London N8 7EY**

Title:
Roof Volume Calculation

Scale:	Date:	Jan 2023
Issue Status:	LDC	
Job No:	Drawing Number:	Rev:
118MR01	72PR/MP/2/P7	A