



DANIEL RINSLER & CO

6 April 2023

Haringey Council
Planning Service
6th Floor, River Park House
225 High Road, Wood Green
London, N22 8HQ

Dear Sirs

**4 BROUGHTON GARDENS, LONDON, N6 5RS: APPLICATION FOR A CERTIFICATE OF
LAWFUL PROPOSED DEVELOPMENT**

On behalf of our client, Mr Lloyd Simon, we are applying for a certificate of lawful proposed development in respect of 4 Broughton Gardens London N6 5RS.

Background Planning History

On 18 November 2020, conditional planning permission was granted by the Council for:

‘Construction of a new ground floor and lower ground floor side extension with a new terrace and addition of a new garage to the front of the existing dwelling’ (LPA Ref No: HGY/2020/2352).

The permission is subject to Condition 2, stating: The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

The 2020 planning permission remains extant.

Purpose of Application

This application for a Certificate of Proposed Lawful Development seeks to establish the lawfulness of proposed works for the demolition of a concrete walled planter at ground floor level at the front of the house, that they are in accordance with and are 'material' in that the works implement the planning permission of 18 November 2020.

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Details of Existing Walled Planter & Proposed Works

The walled planter is identified on the following drawings that formed part of the preceding 2020 planning application submission:

20-001 - Existing Ground Floor Plan
E-E/W-20-003 - Existing Front and Rear Elevations

It is also shown on the Existing Ground Floor Entrance drawing prepared for this CLOPUD application, ref: P-00-D-001.

The overall dimensions of the walled planter are: length, 2270mm; width, 1060mm; height 700mm. Each walled section is 230mm in width. The total volume of the concrete planter is 1.7 cubic metres.

Photos of the existing planter are included with this CLOPUD application.

The approved proposal drawings listed on the planning decision notice of 18 November 2020 show the effect once the walled planter is demolished, specifically:

P-00-20-010 - GA - Proposed Ground Floor Plan
E-E-20-015 - GA - Proposed Front Elevation
E-E-20-016 - GA - Proposed Front Elevation II

This is also shown on the Proposed Ground Floor Entrance drawing prepared for this CLOPUD application, ref: P-00-D-002.

All of these drawings are included with this application.

Planning Legislation

Under Section 56 (1) of the Town and Country Planning Act 1990:

'development of land shall be taken to be initiated... if the development consists both of the carrying out of operations and of a change of use, at the earlier of the times mentioned in paragraphs (a) and (b).' 56 (2) states that; 'for the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.'



Section 55 states:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, 'development,' means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act 'building operations includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

The proposed demolition of the concrete wall planter is in accordance with the approved drawings and as such are comprised within the development.

These are works which will ordinarily be carried out by a builder and planning case law has established a very low threshold for works to constitute development.

The proposed physical works to be carried out at the application site meet the definition of what comprises a 'material operation' as set out in Part III, Section 56(4) of the Act.

Conclusion

For the reasons set out in this letter, the proposed demolition of the concrete wall planter would amount to the implementation of the 18 November 2020 planning permission.

This application for a Certificate of Proposed Lawful development should therefore be approved.

Yours faithfully

DANIEL RINSLER & CO

