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Ref: IC/3135
VIA PLANNING PORTAL

February, 2026

Head of Planning
London Borough of Haringey

Dear Sir,

325 WIGHTMAN ROAD LONDON N8 0NA –
LDC UNDER SECTION 191 OF THE ACT IN RESPECT OF RAILINGS AND DECKING TO
FACILITATE ROOF LEVEL REAR TERRACE

On behalf of **Mr and Mrs Burgaretta** we seek an LDC for the decking and railings arising from the roof terrace at the above property.

We confirm that having regard to the two limbs of development the use is ancillary to the use of the house and so it is only operational development which is relevant.

As the breach of planning control started in 2017 it is subject to the four-year test in respect of immunity.

The onus is upon the applicant to set out its case on the balance of probabilities and with regard to the Gabbittas principles the evidence of the applicant should be accepted unless there is a clear reason for not doing so.

Images of the terrace (the decking and railings) are as below, all taken by the author of this statement in January, 2026.





We now outline the history of the property.

It is a semi-detached property on the western side of the road which was extended by a Class B permitted development roof extension in 2017.

This provided a study on the rear roof profile as well as a bedroom on the front roof profile together with en-suite facilitated by rooflights.

Shortly after that the terrace was erected with access from the study.

On 27th July, 2021 (and so 4 years later and a separate act of development) and pursuant to **HGY/2021/1669** planning permission was granted for development described as follows:

Proposal: Erection of a single storey rear/side infill extension to include - 3x roof lights & Bi-folding doors. Erection of a summerhouse/outbuilding to include - Bi-folding doors & window

This is an entirely separate development at ground floor level : it is however relevant as some of the photographic evidence which we come to present shows both the railings in place at the time that this 2021 development was being built.

The evidence is therefore as follows.

- **Assent Building Control invoice no. 180923 dated 30/03/2017 for "loft conversion with a rear dormer".**

As we have stated this was a permitted development extension and so there is no planning application on the statutory register.

This evidence shows that the dormer was built at this point (i.e 2017): the roof terrace simply could not exist without the extension as it could not be accessed;

- **Building regulation compliance certificate no. 1642604 dated 24/05/2017 for partial re-wiring**

This does not directly relate to the dormer itself but it relates to all the rooftop additions but concerns the creation of the en-suite in the roofspace at the front of the house. This was all undertaken at the same time as the rear extension.

- **Haringey Building Control letter 08/03/2017 pursuant to A010/NE/0012/5530.**

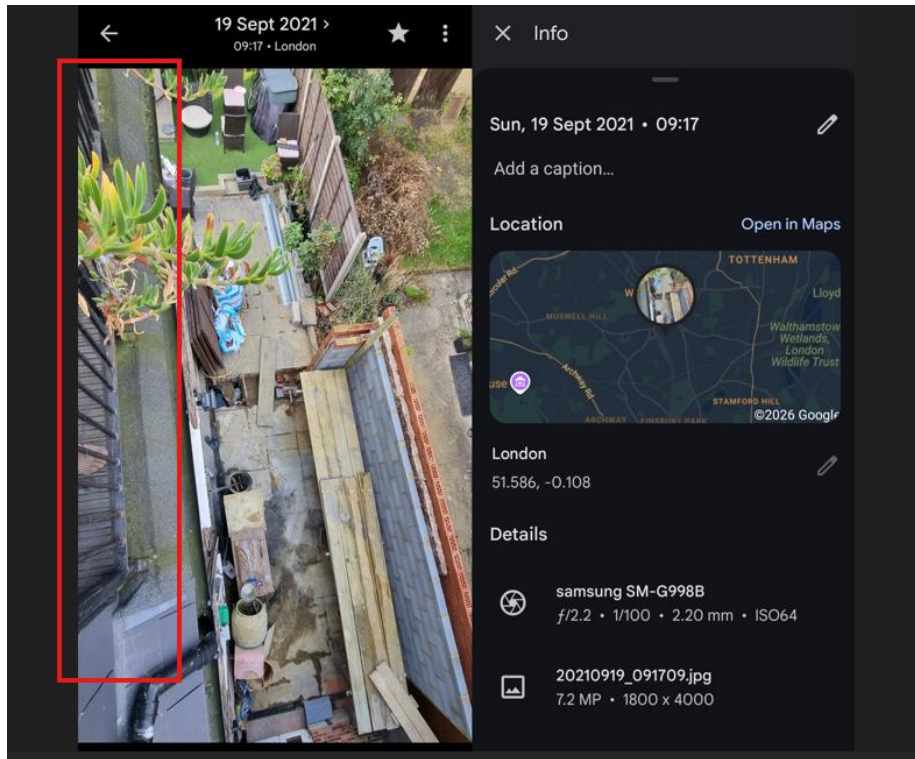
Haringey did not deal with the building control matters and this letter refers to a private company.

However it is still, nonetheless, a reference to the works occurring at this time, described as "loft conversion with rear dormer".

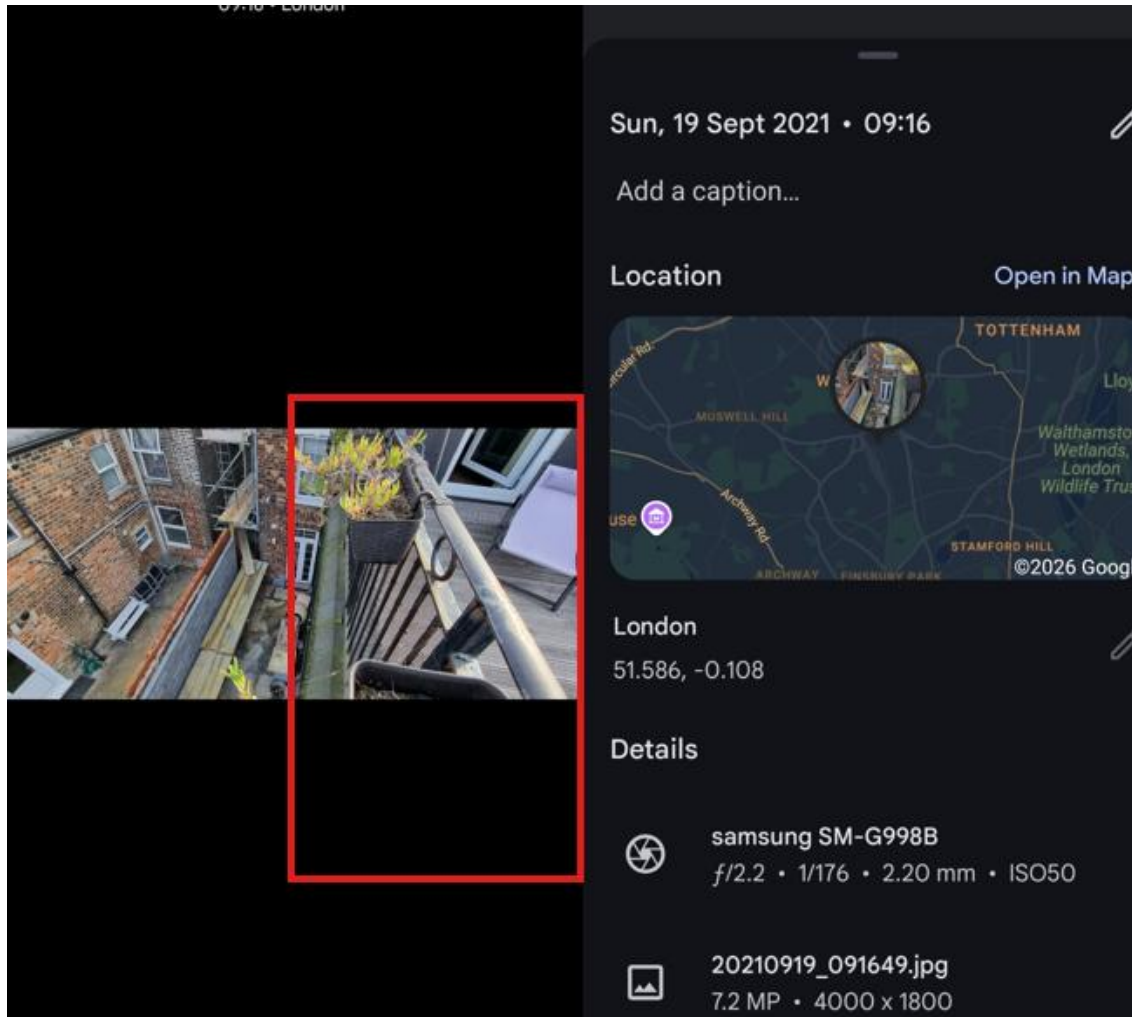
- **Haringey Building Control letter 28/07/2021 in respect of the 2021 single-storey side and rear extension.**

This in itself does not add a great deal but has some limited relevance in terms of the evidence to show the railings in place at the time of the 2021 extension (i.e the photos to follow).

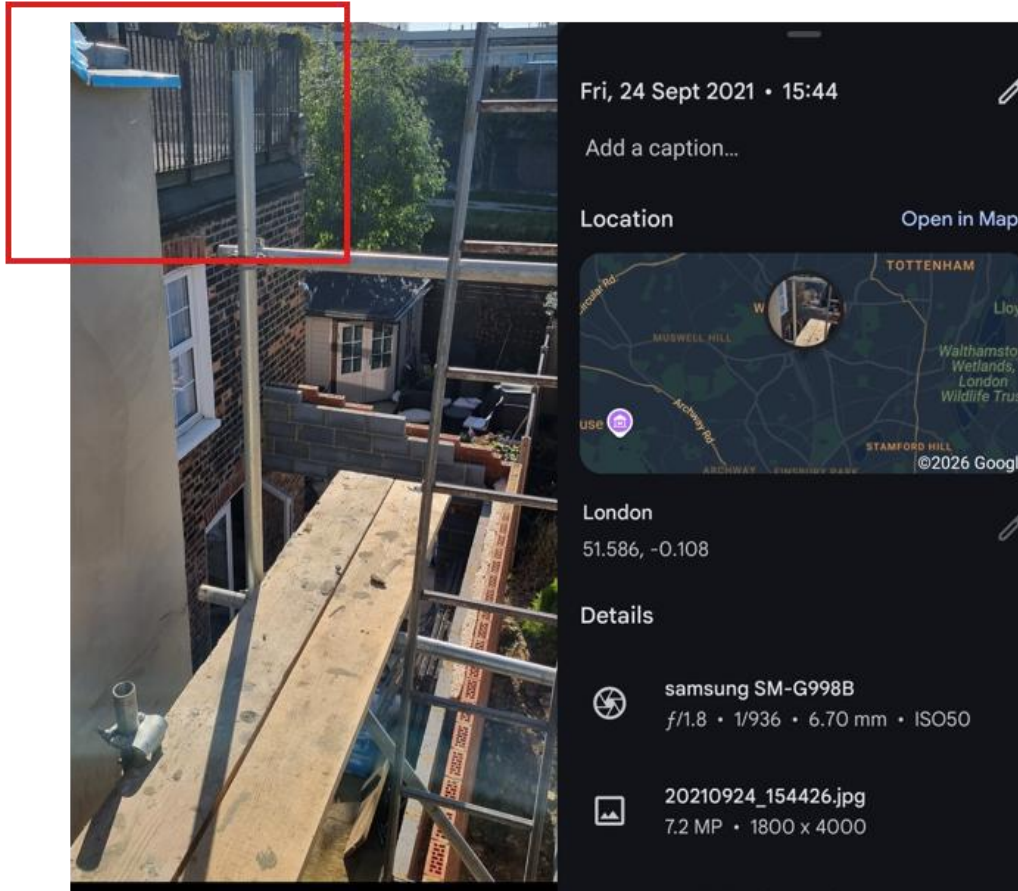
- **Photograph 19/09/2021 with metadata looking down at the start of the works to the 2021 extension and with a clear view of the side of the railings: our highlighting:**



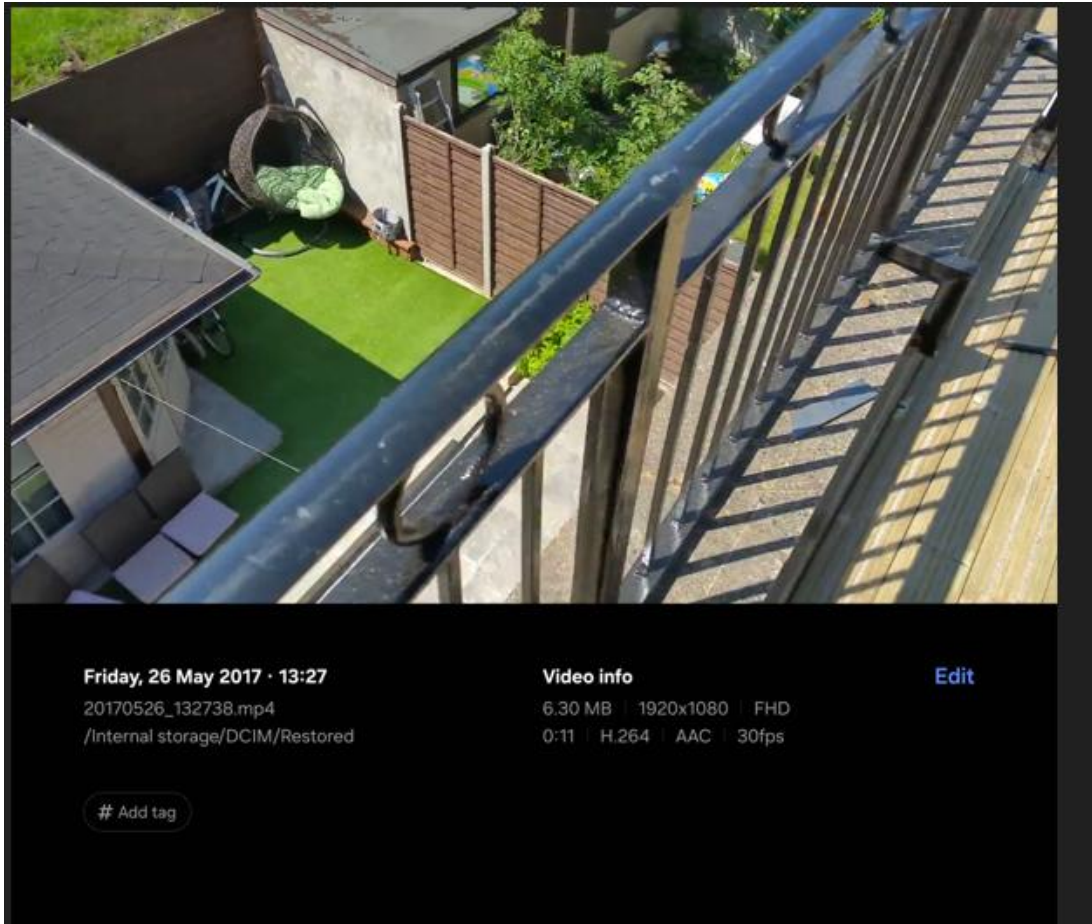
- **Photograph 19/09/2021 with a different view looking down on the 2021 works:**



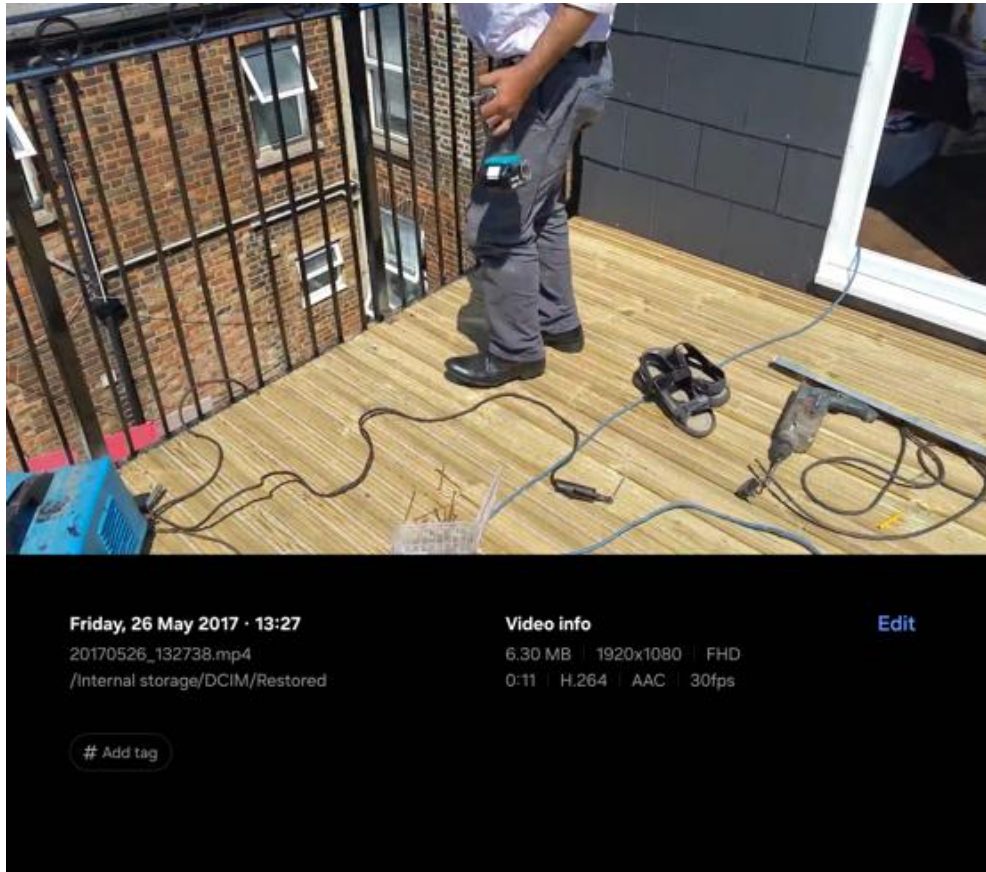
- **Photograph dated 24/09/2021 which shows the location plus the 2021 extension being built: the railings are very clearly shown:**



- **Photograph 26/05/2017 looking down into the garden showing the end of the terrace.**



- **Photograph 26/05/2017 showing the decking being completed:**



The decking is new and light.

By contrast the photograph in January 2026 shows the same decking aligned the same way, i.e. widthways, but now clearly showing the effects of age and weathering.

In addition we attach an affidavit of the applicant to draw all this evidence together.

We also have access to dated Google Earth imagery and the following dates show the terrace.

We confirm that this facility is a publicly verifiable resource.

- **May 2018: the square of the decking is in place, there is no furniture on the terrace at this point and whilst the railings are not readily discernible some form of surround is evident:**



- **April 2020: this aerial image is much clearer and we have added the red box by way of identification: the square form of the terrace is evident and also some form of furniture is visible:**





- **March 2021:** the image is less clear than the earlier one but again the square form of the terrace is evident and again we have added the red box:



Other matters

There is no invoice for the works for the terrace: the builder asked to be paid in cash and it is not uncommon for this to be the case.

The existing plans for the 2021 application (and so showing the 2017 extension on the existing plan) do not show the terrace but do show the door out from the study; see image below:



EXISTING REAR ELEVATION

We do not know why this was the case and assume poor work, however, sufficient evidence as set out earlier more than counterbalances this.

We conclude that we have more than adequately met the balance of probability test to confirm the lawfulness of the operational development that comprise the status of the terrace.

The terrace is clearly visible in publicly verifiable aerial imagery that can be checked by the local planning authority.

Taking all these points together to include an affidavit a decision to issue an LDC under Section 191 would be well founded.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

**Collins & Coward
ences**