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Planning Service

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Tel: 020 8489 5504

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Jonathan

Surname

Benaim

Company Name

Address

Address line 1

83B Lancaster Road

Address line 2

Address line 3

Town/City

London

County

Country

GB

Postcode

N4 4PL

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Applicant Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☒ Yes

☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

This is a proposal to reinstate a roof terrace which was taken down to install a new flat roof below it earlier this year (2026). The terrace would be replaced like-for-like. It appears on the HM Land Registry Lease documents for the property, dated 4th November 2002. I own and occupy the property. The terrace had been in place for over 20 years before being taken down to facilitate maintenance to the roof below.

The roof terrace would be installed at the rear of the property and would measure 285cm x 365cm. It would consist of wooden decking, wooden posts and wooden trellis. The builder who would install the terrace it is the same one who removed it and is a Which? Trusted Trader. On his quote document which I can also attach he gives the description of the work as being: "Install a timber frame and joists on pedestal risers, Install decking, posts and trellis".

I'm ticking the option "no" for change of use since it is demarcated as being a roof terrace in the land registry document noted above. The work has not started yet but is scheduled to take place in August 2026.

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes

☒ No

Has the proposal been started?

☐ Yes

☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

I consider the use of the site as a roof terrace and the installation of a roof terrace lawful as there has been one on the site for around 24 years. This was up until a temporary removal to facilitate the installation of a new flat roof below it earlier this year, in 2026). This was done at the request of the owners of the flat below (Flat A) as part of the maintenance of the house.

Further, I have used the roof terrace since I bought the flat in 2012, but it's use stretches over 20 years as indicated by the Lease document I will attach. I believe that this gives me the right of way over the area demarcated in the document.

1.) HM Land Registry Lease document dated 2002.

On page 3 under the heading "The Schedule" it describes a modification of the lease to include "ALL THAT first floor flat and first floor roof terrace..." The roof terrace is also drawn in the plan of the 2002 Lease.

2.) The estate agents sale document from 2012 which has a photograph of the roof terrace and includes it on the floor plan it gives.

3.) A photograph of the roof terrace from nethouseprices.com from a listing for the flat dated 11/08/2012.

4.) A photograph of the roof terrace from March this year (2026) taken from above.

5.) A copy of the quote from Wittick Building breaking down the cost of work into two part - removal of roof terrace (now done) and re-installation (pending).

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

☒ Permanent

☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

I consider that the certificate should be granted as the terrace is established - it had been in place for over 20 years and temporarily removed to carry maintenance to benefit others. It should also be granted as it appears on the Lease for the flat, dated 2002.

The terrace would be replaced like-for-like and would be tasteful. It benefits my wellbeing and the wellbeing of others who visit. It also helps to create a greener London. Before it was taken down (and as shown in the photograph included here) I would have potted plants, an insect house and a birdbath on the terrace to support wildlife and make a contribution towards cleaner air and net zero targets.

Further to add, I bought the flat with the terrace already in place and without returning it, it would devalue the property.

Since the terrace was previously erected, a terrace on a neighbouring property (81 Lancaster Road) has also been built, so there is further precedent two houses down (that house is owned by an MP).

I'd also add these reasons for granting the proposal:

The terrace is ancillary to the main dwellinghouse and does not alter its primary residential use.

The terrace would include privacy measures that mitigate issues of overlooking, especially the dense trellis as shown in the photograph.

The property is not located within a Conservation Area or designated as a Listed Building.

The works will not adversely affect the character of the neighbourhood, but would enhance them - an additional green space which compliments the nearby Parkland Walk and which would be made of natural materials (mostly wood - which I will ask my builder to source sustainably).

Site information

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Title number(s)

Please add the title number(s) for the existing building(s) on the site. If the site has no title numbers, please enter "Unregistered".

Title Number:

EGL207705

Energy Performance Certificate

Do any of the buildings on the application site have an Energy Performance Certificate (EPC)?

☐ Yes

☒ No

Further information about the Proposed Development

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

What is the Gross Internal Area to be added to the development?

10.00

square metres

Number of additional bedrooms proposed

0

Number of additional bathrooms proposed

0

Vehicle Parking

Please note: This question contains additional requirements specific to applications within Greater London.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

☐ Yes

☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Jonathan Benaim

Date

22/07/2026