

The Planning Inspectorate

Further information on us and the planning appeal system can be found on our website www.planning-inspectorate.gov.uk

For official use only
(Date received)

8-May-2005 12:19

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL (Online Version)

If you need this document in large print, on audio tape, in Braille or in another language please contact our helpline on 0117 372 8075.

Before completing this form, please read our booklet 'Making your lawful development certificate appeal' which was sent to you with this form.

Please note that there is no time limit in which to make this appeal.

APPELLANT DETAILS		1.	
Name	Mr Clive E Cook		
Address	70 Broughton Avenue	Phone no.	0208-750-1032
	RICHMOND	Fax no.	
	Surrey		
Postcode	TW10 7UR	E-mail	
Please confirm how you wish to correspond with us: Electronically, via the email address specified above <input type="checkbox"/>			
On paper, by post. <input checked="" type="checkbox"/>			

AGENT DETAILS (if any)		2.	
Name			
Address		Your reference	
		Phone no.	
		Fax no.	
Postcode		E-mail	
Please confirm how you wish to correspond with us: Electronically, via the email address specified above <input type="checkbox"/>			
On paper, by post. <input type="checkbox"/>			

DETAILS OF THE APPEAL		3.	
Name of local planning authority (LPA)	Richmond Upon Thames London Borough Council		
Date of application to LPA	02 Nov 2004	Application Reference number	DC/JIW/04/3505/HOT
Date of decision (if any)	23 Dec 2004		
Address of site (please give full address)			
70 Broughton Avenue			
RICHMOND			
Surrey			
Postcode	TW10 7UR	Grid Reference: Easting	05169610
		Northing	01721213

DETAILS OF THE APPEAL**4.**

I appeal under section 195(1) of the Town and Country Planning Act 1990 (as amended), against:

✓

- The decision of the LPA refusing/refusing in part to grant a certificate of lawful use or development, or
- The LPA's failure to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development.

Give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought (*Continue on a separate sheet if necessary*)

Two storey side extension and roof conversion

State whether the application was made under section 191 or 192?

191 192

In the case of a proposal, had it been started before the application to the LPA was made? YES NO

Actual use of site at the time of application to the LPA (If not in use, write 'nil' and state last known use)

Nil. Land at side of house not used.

OTHER APPEALS**5.**

Have you made any other appeals to the Secretary of State on this, or nearby land, for example, against a refusal of planning permission? YES NO

If yes, please give details, including our reference number, if known.

SUPPORTING DOCUMENTS**6.**

Please enclose with the appeal form a copy of each of the following documents and tick the appropriate box for each document.

- The application made to the LPA;
- Each of the plans, drawings and documents sent to the LPA as part of the application they considered;
- The LPA's decision (if any);
- All other relevant correspondence with the LPA;
- A plan showing the site marked in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 Ordnance Survey map);
- Any other relevant plans, drawings and documents sent to the LPA, but which did not form part of the application (e.g. drawings for illustrative purposes).

APPEAL STATEMENT

7

This should be a clear and concise statement of your full case and the reason(s) why you consider the subject of the application to be lawful.

(Please note that the planning merits of what has been applied for are not relevant in deciding an application or an appeal; it rests entirely on the facts involved in each case).

Please continue on a separate sheet if necessary.

We believe that the plans submitted for the extension are reasonable when considering other side extensions of corner plot houses in the local area. We understand that as our house is on a corner plot, there are considerations of building line and visibility, but the current property is set back from the road in a separate terrace so that it does not form part of a continuous building line and visibility would not be compromised by the extension.

After the initial planning refusal we worked through our architect with the local authority to find a mutually acceptable plan and submitted modified drawings. Suggested changes led us to the conclusion that we would be best

Continued in Section 13

CHOICE OF PROCEDURE

8

Choose **ONE** procedure only.

Please tick '✓'

1. WRITTEN REPRESENTATIONS

Where facts are at issue or in dispute the Inspector is unlikely to be able to give as much weight to written evidence as would be given to evidence presented at an inquiry.

Note: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a). If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? YES NO
- b). Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES NO

If the answer to 1b is 'YES' please explain:

2. LOCAL INQUIRY

3. HEARING

Although an option, hearings are not normally suitable where facts are in dispute.

Please note that when we decide how the appeal will proceed, we take into account the LPA's views; we may also decide that a public inquiry is necessary to hear the full facts of the case.

CHECK SIGN AND DATE**9.**

Please tick '✓'

- I have filled in all parts of the form
- I have attached all supporting documents ticked in section 6
- I have clearly marked the relevant plans
- I have sent a copy of this form and any documents to the LPA

Signature Date

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

HOW TO SEND THIS FORM TO US**10.**

Post to:	The Planning Inspectorate PO Box 326 BRISTOL BS99 7XF	Deliver by hand to: (Make sure your get a receipt)	The Planning Inspectorate Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN
Fax to:	0117 372 8782		
Helpline:	☎ 0117 372 8075		

WHEN WE RECEIVE YOUR APPEAL**11.**

We will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.
- 4) Tell you about the arrangements for the site visit, hearing or inquiry.
- 5) At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

* The Documents Listed Below Will Follow By Post *

===== SUPPORTING DOCUMENTS =====

** 02. Each of the plans, drawings and documents sent to the LPA as part of the

application they considered.

** 03. The LPA's decision (if any).

** 05. A plan showing the site marked in red, in relation to two named roads (preferably

on an extract from the relevant 1:10,000 Ordinance Survey map).

** 06. Any other relevant plans, drawings and documents sent to the LPA, but which did

not form part of the application (eg drawings for illustrative purposes).

Appeal Statement (continued)

to abandon the extension idea and build a small separate two storey, two bedroom dwelling on the land adjoining our house and we were about to submit plans for this new house.

In an exchange of emails between the LPA and our architect, it became evident that the LPA were not prepared to admit any development on the site. We feel that because of local precedent and our willingness to be flexible to allow a separate house or extension, our original plans or a modified alternative for a separate house should be allowed.

Thanks,

Clive Cook