

Proposed Basement Extension

Planning Statement

Introduction

1. The statement is submitted in support of an application for a lawful development certificate (LDC) in accordance with section 192 of the Town and Country Planning Act 1990 (as amended) for development at the application site.
2. The purpose of this statement is to explain how the proposed basement extension at 15 Ranelagh Avenue, London, SW13 0BW meets the tests for permitted development as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 and is therefore lawful in accordance with section 192 of the Act.

Legislation and guidance

3. The legislation and principal guidance applicable to the assessment of the proposal is:
 - The Town and Country Planning Act 1990 (as amended) – section 192.
 - The Town and Country Planning General Development Procedure Order (GDPO).
 - The Town and Country Planning (General Permitted Development) (England) Order 2015.
4. Section 192 of the Act allows for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying (in the case of an application under section 192), the lawfulness of proposed operations on, or use of land. A LDC has no function in determining whether consent may be required under other legislation such as the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. Subsection (2) of section 192 provides that, if the local planning authority (LPA) are supplied with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.
6. The burden of proof is firmly on the applicant. The applicant will have to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information he wishes to make to satisfy the LPA that a LDC should be granted for the proposal.

Permitted development

7. The proposed basement extension is described clearly on the drawings which accompany this LDC application. The submitted drawings are listed below for ease of reference:
 - Site Location Plan – 1505-1001
 - Existing North Elevation – 1505-1101
 - Existing South Elevation – 1505-1102
 - Existing Ground & First Floor Plans – 1505-1201
 - Existing Second Floor & Loft Plans – 1505-1202
 - Existing Section AA – 1505-1301
 - Proposed North Elevation – 1505-2101
 - Proposed South Elevation – 1505-2202
 - Proposed Basement Plan – 1505-2201
 - Proposed Ground & First Floor – 1505-2202
 - Proposed Second Floor and Loft Plans – 1505-2203
 - Proposed Section AA – 1505-2301

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8. The principal permitted development tests applicable to the assessment of the application are set out in Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which came into force on 15th April 2015.
9. The following principal points are relevant:
10. The application site is a single family dwelling house.
11. The application drawings define the site and residential curtilage.
12. The application drawings define the 'original building' as of 1st July 1948.
13. There are no planning conditions on any previous planning decisions, which have removed permitted development rights.
14. The site is located in a designated conservation area and is therefore Article 1(5) land. However, this designation does not affect permitted development rights in so far as they relate to the proposed basement extension in the context of Class A.
15. The site is not covered by an Article 4 Direction.
16. An assessment of the proposed basement extension against the tests for permitted development as set out in Schedule 2 Part 1 Class A is provided below.
17. *A.1 Development is not permitted by Class A if:*
18. *(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)*
19. The proposed basement extension would not increase the total area of ground covered by buildings, and would not encroach into the garden. As such, less than 50% of the curtilage (excluding ground covered by the original dwelling house) would be covered by buildings.
20. *(b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse*
21. The proposed basement extension would be below ground level and would not therefore exceed the height of the highest part of the roof of the existing dwellinghouse.
22. *c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse*
23. The proposed basement extension does not contain eaves. The proposed basement extension would not therefore exceed the height of the eaves of the existing dwellinghouse.
24. *d) the enlarged part of the dwellinghouse would extend beyond a wall which:*
 - (i) fronts a highway and*
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse*
25. The proposed basement extension would not extend beyond the principal elevation fronting 15 Ranelagh Avenue which fronts a highway. The proposed basement extension would not extend

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beyond a wall which forms either the principal elevation (15 Ranelagh Avenue) or a side elevation of the original dwellinghouse.

26. *(e) the enlarged part of the dwellinghouse would have a single storey and:*
- (i) extend beyond the rear wall of the original dwellinghouse by more than four metres in the case of a detached dwellinghouse, or three metres in the case of any other dwellinghouse or*
 - (ii) exceed four metres in height*
27. The enlarged part of the dwellinghouse would be a single storey basement extension. The proposed basement extension does not extend beyond the rear wall of the original dwellinghouse. The proposed basement extension does not exceed 4 metres in height.
28. *(f) the enlarged part of the dwellinghouse would have more than one storey and:*
- (i) extend beyond the rear wall of the original dwellinghouse by more than three metres or*
 - (ii) be within seven metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse*
29. The enlarged part of the dwellinghouse would be a basement extension. The basement does not have more than 1 storey.
30. *(g) the enlarged part of the dwellinghouse would be within two metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed three metres*
31. The enlarged part of the dwellinghouse would be more than 2 metres away from the boundary of the curtilage of the dwellinghouse. The enlarged part of the dwellinghouse is a basement and does not have eaves.
32. *(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:*
- (i) exceed four metres in height*
 - (ii) have more than one storey or*
 - (iii) have a width greater than half the width of the original dwellinghouse or*
 - (i) it would consist of or include:*
 - (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 or*
 - (iv) an alteration to any part of the roof of the dwellinghouse.*
33. The proposed basement extension complies with the above criteria because the basement would not extend beyond a wall forming a side elevation of the original dwelling house.
34. *A.2 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if:*
35. *(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles*
36. The proposed basement extension would not consist of or include the cladding of any part of the exterior of the dwellinghouse.
37. *(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse or*
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38. *(c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse*
39. The proposed basement extension would not extend beyond a wall forming a side elevation of the original dwellinghouse. The proposed basement extension would not have more than one storey.
40. Part A.3 of Class A contains a number of conditions which any permitted development extension in accordance with Class A would need to comply. The proposed basement extension would comply with these conditions.

Conclusion

41. In conclusion, the proposed basement complies with the criteria for permitted development as set out in the GPDO, is considered to be lawful in accordance with section 192 of the Act and we respectfully request that the LDC be granted accordingly.