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Statement

Proposal -

Lawful Development Application for established use of the rear roof terrace (4 years)

Application -

The application is to obtain a lawful development certificate for the established use of the rear roof terrace and railings for a period exceeding 4 consecutive years.

The application relates to the third floor flat (Flat 3).

The applicant has provided evidence showing that the roof terrace has been occupied as residential amenity space for a period exceeding 4 years. The evidence includes google street views from October 2016, February 2018, March 2019, August 2020 and August 2022. Further evidence includes photos of the roof terrace with garden furniture and plants on 16th April 2017 and 6th May 2018.

The above evidence demonstrates that the roof terrace has been in situ and in use for residential purposes for more than 4 years and is therefore lawful.

Planning Practice Guidance (www.gov.uk, March 2014) states: *"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability"*.

It is submitted that the 'test' of balance of probability is met in this instance. There is objective and comprehensive evidence pointing to the fact that the roof terrace was in use as residential ancillary amenity and the railings were in situ in excess of four years.