



Planning Potential strategy ensures existing basement extension is considered lawful

We do not just deal with planning appraisals, obtaining pre-application advice and submitting planning applications. A large part of our work involves developing strategies to ensure our clients' existing and proposed works are considered lawful without having to submit planning applications.

Our client purchased their property in 2014, complete with a basement extension under the rear garden. We were commissioned in 2020 to advise on prospects for extending the basement under the main dwelling.

At an on-site inspection, it was clear that the previous owner had built a basement which was not in accordance with the approved drawings from 2014. We quickly identified the issue and advised that our client seek legal advice to help resolve the matter. In conjunction with Michaelis Boyd Architects and Irwin Mitchell, we were able to prove to the council that the basement was completed as unauthorised operational development in 2014, and was immune to enforcement action (as a period of 4 years had expired). We submitted a Certificate of Lawfulness which was granted consent and confirmed that the works were considered lawful.

Concurrently with the Certificate submission, we submitted a pre-application advice request relating to the proposed extension to the basement under the main dwelling. The pre-application feedback was positive, and our client has now been given the go ahead to submit a basement extension application.

Summary of achievements

- Identification of unauthorised development and provision of effective strategy to address the issue
- Provision of compelling submission to prove unauthorised operational development had taken place and was therefore immune to enforcement action
- Preparation and submission of a pre-application advice request, including meeting with planning officers
- Successful monitoring and overall management of the project

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