

LDC (Proposed) Report		Application number	2022/4412/P
Officer		Expiry date	
Brendan Versluys		06/12/2022	
Application Address		Authorised Officer Signature	
Flat Ground Floor 127 Fordwych Road London Camden NW2 3NJ			
Conservation Area		Article 4	
NA		Article 4 Direction (basements)	
Proposal			
<p>Use of existing lower ground floor as habitable space for the Ground floor flat, involving the conversion of the lower ground floor from storage space to habitable space.</p> <p>The works do not involve external alterations to the building.</p>			
Recommendation:		Issue Certificate	
<p>1.0 Introduction</p> <p>1.1 The application site is a three storey semi-detached former house built during the late 19th century over four floors (lower ground, ground, first and second).</p> <p>1.2 The building has since been converted to three self-contained flats, being the ground floor flat, first floor flat, and second floor flat. There is no record of any planning permission to convert the former house into flats, but Council records indicate flats have existed at the property since at least 1995. All three flats are accessed via a shared entranceway on the front elevation which adjoins a common hall internal to the building. A connecting staircase serves as access to the first and second floor flats. The lower ground floor is currently used as an ancillary storage space.</p> <p>1.3 The planning records also demonstrate that the lower ground floor which was part of the original dwelling house was also originally in Class C3 use, and that it remains in this use albeit on an ancillary basis being used as storage for the flats above.</p> <p>1.4 The applicant has identified themselves as the owner of the upper ground floor flat and the lower ground floor plot.</p> <p>1.5 The application seeks confirmation that the use of the lower ground floor as additional habitable living accommodation in connection with the existing upper ground floor flat, does not constitute development and is lawful such that planning permission would not be required.</p> <p>2.0 Applicant's Evidence</p> <p>2.1 Drawing no.'s SV.01, dated 26.9.22; SV.02, dated 27.8.22; GA.01, dated 27.9.22; GA.02, dated 27.9.22; Site Location Plan, reference no. TQRQM20289083255778, dated 15 October 2020; Covering Letter dated 4 October 2020.</p> <p>3.0 Assessment</p>			

3.1 Development is defined by section 55 of the 1990 Town and Country Planning Act as ‘the carrying out of building, engineering, mining or other operations, in, on, or under land or the making of any material change in the use of any buildings or other land’.

For the purposes of this Act “building operations” includes—

- a) demolition of buildings;
- b) rebuilding;
- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

- (i) affect only the interior of the building, or
- (ii) do not materially affect the external appearance of the building.

3.2 There are no external works to the building required to facilitate the conversion of the lower ground floor to habitable space. The main entry to the lower ground floor will be via a proposed internal staircase, with an existing secondary external access staircase to the lower ground floor on the north elevation remaining. The new internal staircase will ensure the flat’s upper ground floor and lower ground floor are intrinsically linked and used as part of the same flat. There is an existing external door at lower ground floor level, which opens onto a staircase providing access the rear garden area (within shared ownership of all three flats at the site). No changes are proposed to this door, albeit it would be accessed from the proposed lower ground floor bedroom. The applicant has advised no external works are currently proposed, and a householder planning application would be submitted at a later date for any future works to install windows and or other extensions or alterations.

3.3 The proposal would therefore not change the external appearance of the building nor creates a new flat and is not considered to fall within the ‘meaning of development’ requiring planning permission as defined by the Town and Country Planning Act 1990.

3.4 It is therefore considered that the application proposal is lawful and it is recommended that a certificate of lawfulness be granted.

4.0 RECOMMENDATION: Grant certificate of lawfulness

