

<b>LDC Report</b>		12/12/2022
<b>Officer</b>		<b>Application Number</b>
Fast Track SC		2022/4479/P
<b>Application Address</b>		<b>Drawing Numbers</b>
Maisonette 1st And 2nd Floor 7 Belsize Terrace London Camden NW3 4AX		190-PL-001-2022; 190-PL-002-2022; 190-PL-003-2022; 190-PL-004-2022; 190-PL-005-2022;
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b>		
Use as self-contained maisonette (Class C3).		
<b>Recommendation: Refer to Draft Decision Notice</b>		
<b>Assessment</b>		
<p>The application site is 7 Belsize Terrace, London, Camden, NW3 4AX. The site is located within the Belsize Conservation Area and is not listed.</p> <p>The application relates to the self-contained Maisonette on the 1<sup>st</sup> and 2<sup>nd</sup> floor. The application seeks to demonstrate that the self-contained Maisonette on the 1<sup>st</sup> and 2<sup>nd</sup> floor has existed and been in use for a period of 4 years or more such that the continued use would not require planning permission.</p> <p>The applicant is required to demonstrate, on balance of probability that the existing self-contained residential unit has existed for a period of 4 or more years.</p>		
<b><u>Applicants Evidence</u></b>		
<p>Tenancy Deposit Certificate – TDS 24/07/2012  Notification of Deletion of Existing Rating - 25/07/2012  Confirmation of Tenancy – 5/07/2012 – Neil &amp; Renata  Building Control Certificate – NN642 – 11/09/2012  Email from VOA – 30/09/2022  Cover letter to Camden Council - 15/10/2023</p>		
<b><u>Electrical Certificates</u></b>		

Domestic Electrical Installation Certificate – 0085255

Domestic Electrical Installation Condition Report - 21490373 - 17/07/2020

Domestic Electrical Installation Certificate & Condition Report - 21490373 - 17/07/2021

### **Gas Safety Certificates**

Gas safety – 9/03/2012

Gas Safe Register – 731621 – 9/03/2012

Gas Safety – 4016196 – 30/07/2013

Gas Safe Register – 7w3 4ax – 10/10/2015

Gas Safe Register – 7w3 4ax – 15/10/2016

Gas Safe Register – 7w3 4ax – 16/10/2017

Gas Safe Register – 7w3 4ax – 20/12/2018

Gas Safety Certificate – 1503819 – 1/03/2021

### **Invoices**

MK refurbishment Ltd – Invoice 242 – 22/02/2011

MK refurbishment Ltd – Invoice 250 – 6/04/2011

MK refurbishment Ltd – Invoice 268 – 2/08/2011

MK refurbishment Ltd – Invoice 285 – 25/10/2011

MK refurbishment Ltd – Invoice 323 – 22/06/2012

MK refurbishment Ltd – Invoice 330 – 22/7/2012

MK refurbishment Ltd – Invoice 351 – 1/11/2012

### **Drawings:**

190-PL-001-2022; 190-PL-002-2022; 190-PL-003-2022; 190-PL-004-2022; 190-PL-005-2022;

### **Tenancy Agreements**

Tenancy Agreement - Neil Wedlake – 24/07/2013 -23/07/2014

Tenancy Agreement - Daniel Weiner & Miriam Leaman – 09/10/2015 – 08/10/2016

Tenancy Agreement - Barry Adams – 01/04/2017 – 31/03/2018

Tenancy Agreement - Barry Adams & Linda Frawley – 27/02/2018 – 31/03/2019

Tenancy Agreement – Mehmed Gokcel, Cagri Ustaoglu, Huseyin Altinsoy - 04/10/2019 – 3/10/2022

Tenancy Agreement – Joanna Evans & Itamar Cohen – 18/07/2020 – 17/07/2022

### **Councils Evidence**

VOA accessed 25/4/2023.

Property information for

## MAIS 1ST & 2ND FLRS AT 7, BELSIZE TERRACE, LONDON, NW3 4AX

Local Authority [Camden](#)

Local authority  
reference number 5144979

Council Tax band F

Improvement  
indicator No

With effect from 16 July 2012

Mixed-use property No

Court code None

### Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the “balance of probability”, and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant’s version of events, there is no good reason to refuse the application provided the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The Council does not have any evidence to contradict or undermine the applicant’s version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that ‘on the balance of probability’ the self-contained Maisonette on the 1<sup>st</sup> and 2<sup>nd</sup> floor has existed and been in residential use for a period of more than 4 years as required under the Act. Furthermore, the Council’s evidence does not contradict or undermine the applicant’s version of events.

**Recommendation: Approve**