

Our Ref: DHA/M/EHRL/LBC 120224

12 February 2024

Development Management
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ



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Dear Sirs

THE PRYORS, EAST HEATH ROAD, LONDON, NW3 1BS

On behalf of The Pryors Limited, please find enclosed an application for a Certificate of Lawful Existing Use or Development for the use and layout of the car park comprising part of the above-mentioned premises for the parking of 60 cars for a continuous period of ten or more years.

To this end, copies of all the relevant forms, plans, certificates and other supporting evidence is enclosed, together with payment for the sum of £578.00, payable to the London Borough of Camden in respect of the requisite application fee.

In support of the proposed application for a Certificate of Lawful Existing Use or Development and for the avoidance any doubt, the proposed application comprises of the following:

- Ordnance Survey plan identifying the location of the application site together with the land and buildings contained therein.
- Covering letter to the application by DHA Planning & Development dated 12 February 2024.
- Payment to the London Borough of Camden in respect of the requisite application fee.
- Approved Drawing No. 32/4 relating to the formation of the original car parking involving a total of 42 car parking spaces approved under planning permission 5759 dated on 9 August 1968.
- Drawing No. AL(9)901/G relating to the current car parking layout involving a total of 60 car parking spaces.
- Statutory Declaration and Exhibits of Irving Blumhof of Flat 1 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.

- Statutory Declaration and Exhibits of Jennifer Reba Blumhof of Flat 1 dated 16 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Sara Rosalind Mark of Flat 9 dated 16 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of John Mark of Flat 9 dated 16 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Dr Edith Mary Cooke of Flat 12 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Brian Cooke of Flat 12 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Nicole Verat Pant of Flat 19 dated 16 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Gilbert Charles Pant of Flat 19 dated 16 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Joan Margaret Noble of Flat 20 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Dr Peter John Noble of Flat 20 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Ahmad B Sangari of Flats 11, 22 and 23 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Dr Michele Irmiter Elliott of Flat 26 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Edward Elliott of Flat 26 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of John Watson of Flat 28 dated 4 January 2024 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.

- Statutory Declaration and Exhibits of Haruko Momonoi of Flat 28 dated 4 January 2024 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Juliana Pauline Almeida of Flat 41 dated 16 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Mark Richard Hawes of Flat 43 dated 16 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of David Alan Mclean of Flat 43 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Kristof Neys of Flat 46A dated 21 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Dr Sire Madeleine Louise Abrams of Flat 50 dated 16 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of George Anthony Browning of Flat 50 dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.
- Statutory Declaration and Exhibits of Anthony Julian Cole of Flat 54A dated 12 December 2023 confirming the continued use and layout of the car park comprising part of The Pryors for the parking of 60 cars for a period of ten or more years.

The application site is known as The Pryors, East Heath Road, London, NW3 1BS. It comprises of two detached blocks of residential flats, which between them provide for a total of 60 flats together with a total of 60 car parking spaces.

The Pryors dates from the early 1900s, which is located within Hampstead, with the site fronting onto East Heath Road and surrounded by the heath along the other remaining boundaries. The site consists of two Edwardian mansion blocks comprising a total of 60 self-contained flats, which are referred to as Block A and Block B in the submitted documentation.

The Pryors was built in two stages and by two separate architects. The construction of Block A commenced in May 1903 and was designed by James F. C. Bell Architects and Surveyors and Block B was designed by Hart and Waterhouse Architects. The origins of The Pryors came into existence before the introduction of the Town and Country Planning Act of 1947, when planning control over any development was first introduced.

Notwithstanding the above, it is noted from the planning history of the site, that since the 1960s, there have been several planning and conservation area consent applications involving works to trees, replacement windows, the amalgamation and extension to existing flats, installation of CCTV cameras and other fenestrational changes to the building blocks.

The most notable planning applications date back to the mid-1960s involving the grant of planning permission for the formation of a car park. There are three planning applications in total in this respect, as follows:

Planning application CTP/07/3/A1 approved on 6 May 1965.

Planning application 5759 approved on 9 August 1968.

Planning application 6462 approved on 9 January 1969.

Based upon the knowledge and experience of some of the longer serving residents of The Pryors, it would appear that the planning permission granted under planning reference 5759 on 9 August 1968 is the one that was initially implemented in the late 1960s. The residents have provided Drawing No. 32/4 as what they consider to be the approved layout, and this has a Council stamp on it relation to planning application CTP/07/3/A/5759, so it would be fair to assume that the 9 August 1968 planning permission was originally implemented to form the car park. This planning permission required the laying out of the car park with a total of 42 car parking spaces, and in the manner shown on Drawing No. 32/4.

It is evident from the Statutory Declaration of Irving Blumhof, who has from time to time served as a Director of The Pryors Limited, that at some time in the late 1980s or early 1990s, the car park layout was altered and laid out as per Drawing No. AL(9)901/G prepared by TDC Arch Design, which shows a total of 60 car parking spaces with a different layout to the one that was originally approved under planning permission 5759 approved on 9 August 1968 along with the approved Drawing No. 32/4.

In light of the above, and at some point around 1990, the whole car parking layout and number of car parking spaces involved had changed, and to this end there was a technical breach of the 9 August 1968 planning permission.

Section 171B (3) of the Town and Country Planning Act 1990 (as amended) states that "In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach."

This legislation also means that if a breach has occurred, and that breach has continued for a period of ten years without the Council having interrupted the continuity through the service of an Enforcement Notice, then upon the expiry of the ten years from the date of breach, namely around 2000, the Council would be time barred from taking any such action, and the unauthorised development or breach will automatically have become lawful within the meaning of the Act.

In support of the above-mentioned claim, a total of 22 signed and dated Statutory Declarations and Exhibits have been provided by the respective residents of The Pryors, to demonstrate that the car park has been laid out as per Drawing No. AL(9)901/G prepared by TDC Arch Design, which shows a total of 60 car parking spaces with a different layout to the one that was originally approved and implemented, and it has continuously been used for at least the last ten years as such.

In conclusion, there is ample evidence through the signed and dated Statutory Declarations and Exhibits to prove that the existing car park at the subject premises, namely The Pryors, East Heath Road, London, NW3 1BS, has been continuously used and laid out with 60 car parking spaces, as per Drawing No. AL(9)901/G prepared by TDC Arch Design, for a period of ten or more years.

As a matter of fact therefore and in the absence of any other material considerations to indicate otherwise, the application for a Certificate of Lawful Existing Use and Development

should on the 'balance of probability' be granted for the continued use of the land as a car park providing for a total of 60 car parking spaces, as per Drawing No. AL(9)901/G prepared by TDC Arch Design.

I trust that the application papers are complete and I look forward to receiving your formal acknowledgement of the same.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S S Panesar', with a stylized, cursive script.

S S Panesar
DHA PLANNING & DEVELOPMENT
spanesar@dhaplandev.co.uk

cc: The Pryors Limited

Encls.