

Delegated Report	Analysis sheet		Agreed Expiry Date:		19/03/2024		
	N/A / attached		Consultation Expiry Date:				
Officer			Application Number(s)				
Adam Greenhalgh			2024/0475/P				
Application Address			Drawing Numbers				
60 Fortune Green Road London NW6 1DT			Refer to decision notice				
Proposal(s)							
Change of use from a shop to a studio apartment, in addition to enhancing the property entrance.							
Recommendation(s):		Refuse prior approval					
Application Type:		GPDO Prior Approval (Class MA) Change of Use from Class E to C3					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00	No. of comments	00
Summary of consultation responses:		No consultation – not permitted development – see below.					

Site Description

The application relates to a ground floor Class E unit (Use Class E) within a 3-storey terrace building located within a parade of shops on Fortune Green Road. The upper floors of the building appear to be in residential use.

Relevant History

No relevant planning history.

Relevant policy documents and legislation

National Planning Policy Framework 2023

The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended)- Schedule 2, Part 3, Class MA

Technical Housing Standards - Nationally Described Space Standards 2015

London Borough of Camden Local Plan 2017

Assessment

1. Proposal

- 1.1 Prior Approval is sought under Schedule 2, Part 3, Class MA of the GPDO 2015 (as amended) for a change of use of the ground floor level Class E commercial unit to a Class C3 residential dwelling.
- 1.2 The proposed change of use would create a 1-person 23sqm studio flat. Proposed external alterations include the removal of the existing shopfront and replacement with a more residential ground floor front elevation.

2. Prior approval procedure

- 2.1 The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended), Schedule 2, Part 3, Class MA, allows for a change of use of a building from a use falling within Use Class E (commercial, business and service) to a use falling within Use Class C3 (residential dwelling) subject to a prior approval process and conditions being satisfied.
- 2.2 Development that accords with the criteria within MA.1 is permitted by this Class, subject to a number of conditions listed within sub-paragraph MA.2. As such, the prior approval procedure requires the developer to apply to the Local Planning Authority (LPA) for a determination as to whether prior approval of the authority would be required in regard to transport and highways impacts, contamination risks, flooding risks, impacts of noise from commercial premises, and provision of adequate natural light.
- 2.3 However, Article 3 (9A) of the GPDO requires all new units permitted under the Order to comply with the Nationally Described Space standards, and to be no smaller than 37sqm. Failure to meet this requirement means that a proposal cannot benefit from any Class of permitted development in the GPDO.
- 2.4 The new unit would measure around 23sqm which is less than 37sqm and, as such it would fall significantly short of the Nationally Described Space Standards. Consequently, the proposal is not permitted development and so there is no need to assess against the criteria set out in Class MA. There are also other discrepancies and failure to comply with the requirements of the GPDO, for example confirming the net increase in dwellings would be 0 under the requirements of paragraph W (it would be 1 so the information is incorrect).
- 2.5 If the application related to a proposal which was permitted development, and the requirements of Paragraph W had been complied with, concerns would have been raised around transport impact (a new residential unit should be car free under council policy so it would have to be subject to a s106 agreement) and quality of accommodation including access to light. However, given the application is not permitted development, it should be refused on this basis and there is no need to rehearse the other concerns that would apply to Class MA development.

3. Recommendation

- 3.1 Refuse for the following reason:
- 3.2 The proposal is not permitted development because it does not comply with the requirements of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), because the unit would measure only 23sqm in contravention of Article 3 (9A) of the Order.