

Application ref: 2023/3301/P  
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Date: 12 April 2024

**Development Management**  
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Sterling Town Planning  
The Backyard Co  
23 Oaklands Road  
London  
NW2 6DL  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**Flat 1st 2nd And 3rd Floor**  
**182 Kilburn High Road**  
**London**  
**NW6 4JD**

Proposal:

Change of use of first, second and third floors from a maisonette (Class C3) to an 8-bed HMO (Sui Generis) (retrospective)  
Drawing Nos: 182A/KHR/01; 182A/KHR/02

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 182A/KHR/01; 182A/KHR/02

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

1 Reasons for granting permission.

Planning permission is sought retrospectively to change the use of the rear part of the ground floor up to the third floor from self-contained residential (Class C3) to a large 8-bed HMO (Sui Generis). No physical alterations are proposed. The applicant claims the site has been used as a HMO since 2010 and correspondence with the Council's Private Housing team suggests that the use has been established for a number of years as there is a live application to renew an existing HMO license.

Whilst the existing use may be immune from enforcement action by virtue of the 10 year rule, it is still necessary to assess the planning merits of the proposal given a planning application, rather than a Certificate of Lawful Development, has been submitted. Policy H10 states that the Council will support development of HMOs subject to a number of criteria (a-f). The proposal would not involve the loss of two or more self-contained homes, only one; the site is not identified for self-contained housing; the HMO complies with relevant standards for HMO as confirmed by the existing license; there is no policy evidence to suggest that the proposal would leave to a harmful concentration of such type of housing; and finally, the proposal is not eligible for affordable housing with respect to policy H4 as it would not involve the creation of new residential floorspace given the existing use. The proposal satisfies all criteria and therefore the change of use is acceptable.

The proposal is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

In terms of transport impacts, there are existing occupiers at the property who may have access to car parking permits. As such it would not be possible to remove this existing benefit but a Section 106 agreement will prevent future occupiers from applying for a car parking permit. There is no existing cycle parking provision associated with the property. Whilst there is no specific standard for HMOs, it is considered appropriate to apply the standard for studio flats, which is 1 space per unit. This would give a requirement for 8 cycle parking spaces. As space at the site is restricted, with the accommodation being limited to the upper floors, it is recommended that a Section 106 contribution be sought towards the provision of off-site (on-street) cycle parking in the form of a bike hanger to be provided in the vicinity of the site. The cost of providing this would be (£4,320/6 x 8=) £5,760

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, T1, T2, H4 and H10 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', written in a cursive style.

Daniel Pope  
Chief Planning Officer