


<b>Enforcement Delegated Report</b>		<b>Receipt date:</b>	<b>20/10/2023</b>
<b>Officer</b>		<b>Enforcement Case</b>	
Miles Peterson		EN23/0852	
<b>Breach Address</b>		<b>Photos &amp; Other material</b>	
54 Eversholt Street London NW1 1DA		On File	
<b>Authorised Officer Signature</b>			
 08/02/2024			
<b>Alleged Breach</b>			
<ol style="list-style-type: none"> <li><b>Without planning permission, the material change of the ground floor commercial unit from Class E (Commercial, business and service) to residential Class C3 (Dwellinghouse).</b></li> <li><b>Without planning permission, the replacement of an existing shopfront.</b></li> </ol>			
<b>Recommendation(s):</b>		That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended requiring the unauthorised use of the property as a Class C3 dwelling to cease and reinstate the lawful use of the ground floor as Class E, and that officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.	
<b>Site Description</b>			
<p>The site at 54 Eversholt Street, Euston contains a 3 storey plus-basement mid-terrace Victorian building. Numbers 34 to 70 Eversholt Street are designated as locally listed buildings. The site is located on the retail frontage between numbers 52-56 Eversholt Street and is within the designated Eversholt Street South Neighbourhood Centre (which includes numbers 22-118 Eversholt Street even).</p> <p>The site previously contained a retail unit (Victory Café) at ground floor level at 54 Eversholt Street. However, the ground floor has now been converted (without planning permission) into a one-bedroom flat (C3). Additionally, the shopfront for the café has been removed and replaced with a residential exterior and separate front door.</p> <p>The upper floors are in residential use and the basement has been used for storage for over four years.</p>			
<b>Investigation History</b>			
17/10/2023- Enquiry created based on email from Corporate Services Inspector.			
07/11/2023- Notice of Inspection letter sent to address.			
11/01/2024- Site visit by Planning Enforcement Officers. The separate front door for the residential unit of this property was observed, as was inside the residential unit itself and pictures taken. The tenant inside informed Officers that they were on a 6-month lease. Additionally, Officers spoke to the freeholder and viewed the basement area that is being used for storage. Officers explained that since the change to the ground floor was without planning permission a notice would need to be served.			
18/01/2024- Further phonecall with freeholder explaining the situation.			
22/01/2024- Letter sent to freeholder detailing breaches and explaining the process of an enforcement notice.			

## Relevant policies / GPDO Category

### National Planning Policy Framework 2023

### The London Plan 2021

### Camden Local Plan 2017

Policy A1 Managing the Impact of Development

Policy D1 Design

Policy D3 Shopfronts

DM1 (Delivery and monitoring) of the Camden Local Plan (2017)

T1 Sustainable Transport

T2 Parking and Car-free Development

TC1 Quantity and Location of Retail Development

TC2 Camden's Centres and other Shopping Areas

H7 Large and Small Homes

### Camden Planning Guidance (CPG)

CPG Housing (2021)

- Chapter 9 – Residential Development Standards

CPG Design (2021)

- Chapter 2 – Design Excellence
- Chapter 6 – Shopfronts

### Camden Local List 2015

### London Plan Guidance – Housing Standards 2023

- Part C: Homes and private outside space

## Assessment

### Relevant Planning History:

None on file

### Assessment

The material considerations in assessing the unauthorised development are:

- Quantity and Location of Retail Development
- Camden's Centres and other Shopping Areas
- Quality of Accommodation
- Shopfronts
- Transport and Parking

### Background

The subject of this enforcement notice is on the ground floor of the property. Due to the very limited planning history of this property on file, there is no reason to suggest that the first and second floor units as residential accommodation are not lawful. This is supported by historic imagery on Google Street View. Similarly, there are no records that the basement floor has been used for anything other than storage, which this Officer observed on site on 11/01/2024.

Google Street View clearly shows use of the ground floor premises as a café before November 2020. The freeholder claims that this change of use occurred after the first COVID-19 lockdown, and there is a building control application from 4<sup>th</sup> March 2020 to install a gas-fired boiler. Based on this limited information it seems likely that this change of use occurred between March and November 2020 and is therefore unlawful. This

conversion to residential accommodation also removed the existing café shopfront and replaced with a residential exterior.

The site visit on 11/01/2024 demonstrated that this flat is currently in use for letting purposes and a tenant was present who claimed that they were a student who had entered a standard tenancy contract.

The acceptability of residential accommodation, and the removal of an existing shopfront will now be assessed below.



The site, 54 Eversholt Street

### Unit Mix

Local Plan policy H7 (Large and Small Homes) is aimed at maintaining a range of dwelling types and sizes that will contribute to the creation of mixed, inclusive and sustainable communities.

**Table 1: Dwelling Size Priorities**

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

The development has resulted in the creation of a one-bedroom flat rented at market rate (as far as this Officer understands), which is lower priority.

### Quality of Accommodation

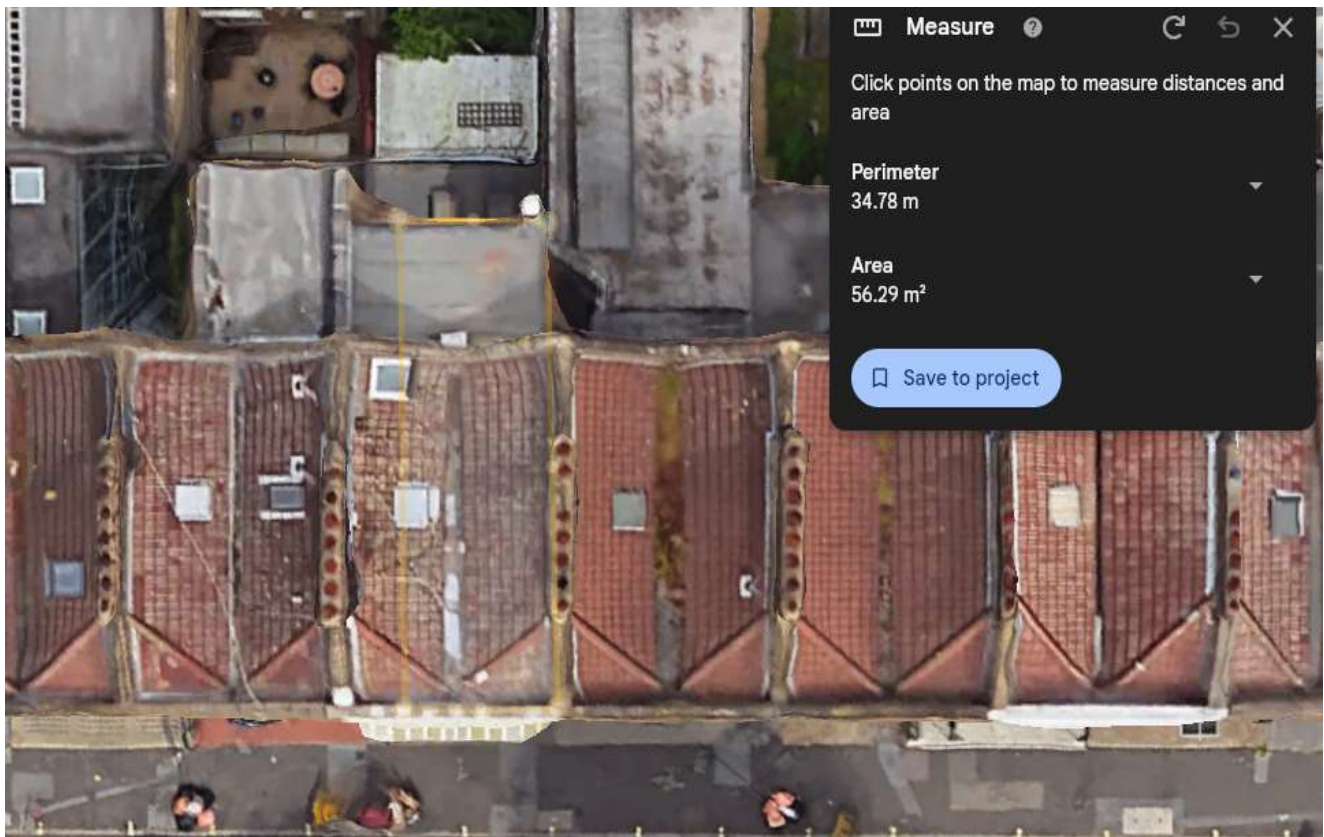
The nationally described technical housing standards sets out minimum gross internal floor areas as illustrated in the table below.

**Table 1. Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
1b	2p	50	58		1.5
2b	3p	61	70		2.0
2b	4p	70	79		2.0

As a planning application for a change of use has not been submitted, the size of the unit can only be estimated. Using a rough calculation of the unit, it appears that the size of the units is approx. 56.29m<sup>2</sup>. Overall the one-bedroom flat seemed of good quality and proportions from the site visit on 11/10/2024 (photos below).

While the prominence of the front living room window to the public highway means that daylight could be very limited while the windows are covered, potential daylight levels are of an acceptable standard as it relates to CPG Chapter 9- Residential Development Standards. While this guidance identifies living areas as particularly important in receiving natural light, daylight/sunlight, obscured glazed windows in the bedroom mean daylight/sunlight is also limited (see below picture).





Bedroom





Kitchen/Living Area

### **Transport considerations**

Policy T1 of the Camden Local Plan promotes sustainable transport by prioritising walking, cycling and public transport, rather than private car use in the borough. The development does not acceptably promote sustainable transport use as there is no cycle parking provided.

Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. This includes limiting the availability of both off-street and on-street parking. In absence of a S106 Agreement to ensure this development is car free, a parking permit for the unit could potentially contribute unacceptably to parking stress and congestion in the surrounding area.

### **Amenity**

Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. There are no neighbouring amenity issues identified in this new residential unit.

### **Quantity and Location of Retail Development**

Policy TC1 of the 2017 Local Plan designates neighbourhood centres and appropriate provision of retail spaces therein including the Eversholt Street South Neighbourhood Centre (the unit is located within this site).

Furthermore, Policy TC2 promotes successful and vibrant centres throughout the borough, and resists schemes that restrict retail use below certain thresholds. Although the Eversholt Street South Neighbourhood Centre does not prescribe a minimum number of Food and Drink establishments, loss of an existing retail unit

(café) in this area and the consequent broken frontage has led to a loss of cohesion at ground floor level has a negative impact on the appeal of the Neighbourhood Centre. Additionally, the likelihood of return to retail function for converted residential accommodation is low, meaning the potential benefit of this site for commercial or community function is lost.

### Neighbourhood Centres in the Central Activity Zone

Centre	A1 shops Minimum proportion of A1 shops in each individual frontage	A3 A4 A5 food, drink, and entertainment uses Maximum proportion of A3, A4, and A5 uses combined in each individual frontage	A3 A4 A5 food, drink, and entertainment uses and other non retail uses Other restrictions
Brunswick Centre	Min 50%	Max 25%	Max 100sqm No more than 2 consecutive food, drink, or entertainment uses
Chalton Street	Min 50%	Max 25%	Max 100sqm No more than 2 consecutive food, drink, or entertainment uses
Cleveland Street	Min 50%	Max 25%	
Drummond Street	Min 50%		Additional food, drink, and entertainment uses acceptable subject to the assessment of impacts.
Eversholt Street (North and South)	Min 50%		Additional food, drink, and entertainment uses acceptable subject to the assessment of impacts.
Goodge Street	Min 50%	Max 25%	
Lamb's Conduit Street	Min 50%	Max 25%	Max 100sqm No more than 2 consecutive food, drink, or entertainment uses
Leather Lane	Min 50%	Max 25%	
Marchmont Street / Leigh Street / Tavistock Place	Min 50%	Max 25%	Max 100sqm No more than 2 consecutive food, drink, or entertainment uses
Store Street	Min 50%	Max 25%	Max 100sqm No more than 2 consecutive food, drink, or entertainment uses

Ref72:



[\(Click here to return to the ward map\)](#)

**Address:**

34 to 70 Eversholt Street

**Significance:**

Architectural and Townscape Significance

**Asset Type:**

Building or Group of Buildings

**Ward:**

St Pancras and Somers Town

(64 is Listed) Early 19th C terraced houses with shops at g/f. All are 3 storey with basement. Alteration relate primarily to the ground floor (with the exception of the grade II listed (64)) general alterations some properties include rendering, replacement of windows, all 1st floor windows are set back within an arched brick frame, simple detailing above the windows. In terms of size, proportions, materials and repetition this complete section of terrace is an important part of the townscape with a collective identity.

In addition, the site is locally listed, and such buildings are recognised as contributing to a sense of place, local distinctiveness and civic pride. The size, proportions, materials and repetition of this complete section of terrace Numbers 34 to 70 Eversholt Street (which includes their use) are identified as being an important part of the townscape with a collective identity. Its loss therefore harms this significance. Whilst there is benefit from the provision of a residential unit, this does not outweigh the loss of the commercial unit.

### Design and Shopfronts

The existing shopfront was of limited design quality with a high stall riser and central door. The replacement shopfront has repositioned the door but retains a glass shopfront and stall riser. It would enable a commercial user to operate and retain an active shopfront. Accordingly, given the fact a shopfront has been retained, the

design and use of materials it is not considered expedient to take action against the replacement of the shopfront.

### **Conclusion**

The planning, legal, and other evidence assessed by Officers suggest that the use of a residential one-bedroom flat at this site is both unauthorised and unacceptable.

Additionally, the residential use of this site is unacceptable due to the potential contribution to parking stress and congestion, the loss of a retail unit in the Eversholt Street South Neighbourhood Centre, and the loss of an existing shopfront which contributes to the character of the street and wider area, and is designated as a locally significant heritage asset.

Due to the low priority level for market rate one-bedroom flats, even if the freeholder were able to demonstrate the unit was an acceptable size and quality, the Council would resist the use of this unit as residential for the above reasons.

### **Recommendation:**

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended requiring the reinstatement of the lawful use of the ground floor as Class E, and that officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

### **The notice shall allege the following breaches of planning control:**

1. Without planning permission, the material change of the ground floor commercial unit from Class E (Commercial, business and service) to residential Class C3 (Dwellinghouse).

AND

2. Without planning permission, the replacement of an existing shopfront

### **WHAT ARE YOU REQUIRED TO DO:**

1. **Cease the use of the ground floor as a residential unit (C3) and reinstate the lawful commercial use (Class E).**

AND

2. **Make good on any damage caused as a result of the works.**

### **PERIOD OF COMPLIANCE: 3 months**

### **REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**

- a) The breaches outlined above have taken place within the last 4 years;
- b) The unauthorised use has resulted in the loss of a commercial unit creating a broken frontage which has a negative impact on the success and vibrancy of the Neighbourhood Centre and the significance of the building and wider townscape contrary to policies TC1 and TC2 of the Camden Local Plan (2017);
- c) In absence of a S106 legal agreement to secure the development as car free, the development contributes unacceptably to parking stress and congestion in the surrounding



area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking), A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the Camden Local Plan (2017).