

LDC (Existing) Report		Application number	2024/0891/P
Officer		Expiry date	
Tony Young		30/04/2024	
Application Address		Authorised Officer Signature	
Flat 3-4 Atlantic House 128 Albert Street London NW1 7NE			
Conservation Area		Article 4	
Camden Street		Article 4 Direction (basements & land use)	
Proposal			
Continued use of 2 bed flat (no. 3) and 3 bed flat (no. 4) as a single residential unit.			
Recommendation		Issue Certificate	
<p>Introduction</p> <p>The application site comprises a 2-storey terraced building with roof extension located at the northern end of Albert Street near the junction with Parkway. The building is in commercial use on ground and 1st floors with the upper floors being in residential use. Flats 3 and 4 occupy the 2nd and loft floors and are the subject of this application.</p> <p>The site is not listed and is located within the Camden Town Conservation Area</p> <p>The application seeks to demonstrate that, on the balance of probability, the use of Flats 3 and 4 as a single residential unit began at least four years before the date of the application, such that a retention of the use would not require planning permission.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following <u>documents</u> in support of the application:</p> <ul style="list-style-type: none"> London Borough of Camden, Council Tax & Business Rates (ref. 79147719), confirming that council tax bills have been issued to Flat 3-4 at the application site, variously dated between 2011 and 2024. Valuation Office Agency (VOA) Cover Letter (ref. 5210/583410/258) dated 18/11/2010 and Application Form, confirming a request to alter the council tax valuation from Flats 3 and 4 to a single entry (Flat 3/4). <p>The applicant has also submitted the following <u>drawings</u>:</p> <ul style="list-style-type: none"> Site location plan (Land Registry) outlining the application site in red. Various 2nd floor and loft floor plan drawings: <ul style="list-style-type: none"> Flat 3 (CPC-LP-4176-3) dated 25/09/2014 Flat 4 (CPC-LP-4176-4) dated 25/09/2014 Flats 3-4 (CPC-LP-4176) dated 25/09/2014 Flats 3-4 (unnumbered) dated 24/01/2024 <p>Council's Evidence</p> <p>There is the following <u>planning history</u> relevant to the proposal at the subject site:</p> <ul style="list-style-type: none"> 2010/3649/P (Flats 3 and 4) - Installation of air-conditioning units to two self contained flats (Class C3). <u>Planning permission granted 01/11/2010</u> 			

- **2010/2934/P** (Flats 3 and 4) - Installation of new awnings and external doors to Flat 3 and 4 (Class C3). Planning permission granted 10/08/2010
- **PE9900591** - The erection of one additional self-contained flat with terraces at third floor level (amendments to previously approved scheme dated 15/06/92 PE9606079R3. Planning permission granted 10/01/2000
- **PE9900590** - The erection of one additional self-contained flat with terraces at third floor level (amendments to previously approved scheme dated 15/06/92 PE9606079R3. Planning permission granted 10/01/1999
- **PE9606079R3** - The erection of two additional floors on top of the existing building to provide 14 flats, plus use of part of the existing basement area for car parking. Planning permission granted subject to a Section 106 legal agreement dated 15/06/1998

There is no relevant planning enforcement history for the subject site.

There is the following additional information relevant to the site:

- Council Tax Valuation for band H property (Flat 3/4, The Atlantic Building, 128 Albert Street, London NW1 7NE) effective 01/07/2010 (Local authority reference number: 5157836).

Assessment

In regard to applications for a Certificate of Lawfulness, 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 (National Planning Practice guidance). The relevant test is the 'balance of probability', and authorities are advised that if they have no evidence of their own, nor any from others, to contradict or otherwise make the applicant's version of events less probable, 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.

It is considered that the information provided by the applicant is sufficiently precise and unambiguous to demonstrate that, on the balance of probability, the use of Flats 3 and 4 as a single residential unit (known as Flat 3-4) began at least four years before the date of the application, and has continued as such, for a continuous period until the present time.

This being the case, and given the fact that the Council does not have any evidence to contradict or undermine the applicant's version of events, the use of Flat 3-4 as a single residential unit is lawful and would not require planning permission. As such, it is recommended that a Certificate of Lawfulness be granted.

RECOMMENDATION: Grant Certificate of Lawfulness