

<b>LDC (Existing) Report</b>		<b>Application number</b>	2024/1888/P
<b>Officer</b>		<b>Expiry date</b>	
Tony Young		09/07/2024	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
Flat Basement and Ground Floor 3 Mansfield Road London NW3 2JD			
<b>Conservation Area</b>		<b>Article 4</b>	
None		Article 4 Direction (basements)	
<b>Proposal</b>			
Alterations and extensions to the dwellinghouse.			
<b>Recommendation</b>		<b>Issue Certificate</b>	
<b>Introduction</b>			
<p>The application site comprises a 2-storey mid-terrace building with an attic level and basement. The site is located on the south side of Mansfield Road, close to the junction with Oak Village and opposite Gospel Oak Primary School and Gospel Oak mainline station. This application relates to an existing basement and ground level residential unit, accessed from the common entrance to the property located on the main street frontage.</p> <p>The property is not listed nor is it located within a conservation area.</p> <p>The application seeks to demonstrate that, on the balance of probability, the relevant building works were completed at least four years before the date of this application, such that their retention would not require planning permission.</p>			
<b>Responses</b>			
<p>Given the nature of certificate of lawfulness applications, and in particular that purely matters of legal fact are involved in their determination, the Council does not have a statutory duty to engage in a formal consultation process.</p> <p>Notwithstanding this, it is Council practice to allow a short period of time for our local residents and amenity groups to comment should they choose to do so. As such, the details of the application were made available online. No comments have been received during this period.</p>			
<b>Applicant's Evidence</b>			
<p>The applicant has submitted the following documents/information in support of the application:</p> <ul style="list-style-type: none"> <li>• <u>Cover Letter</u> from ADL Planning Pty Ltd. dated 13/05/2024, asserting that following the conversion of the property to a dwelling in 2013, the subsequent alterations and extensions that were undertaken over the following years were all substantially completed more than 4 years ago. The following evidence is referred to in support of this assertion:</li> <li>• <u>Statutory Declaration</u> (with appendices) from Robert John Dearman dated 10/05/2024, asserting that all building works involving the conversion to a self-contained residential flat at basement and ground floor levels, and subsequent alterations and extensions, were completed by 17/10/2017.</li> <li>• <u>Various photographs</u> (with date stamps) showing varying stages of the relevant works of alteration and extension.</li> </ul>			

- Council Tax Bills (various) from Camden Council from 2013 to the present, in relation to 'Flat Basement and Ground Floor' at the application site.
- Certificate of Completion issued by Camden Council Building Control (application ref. 11/2/1775) dated 08/05/2013 and associated deposit of plans, in respect of a conversion of existing office into self-contained flat and replacement rear extension.

The applicant has also submitted the following drawings:

- Unnumbered site location plan - showing the boundary of the application site outlined in red
- 37/B01 - as built floor plans
- 37/B02 - as built elevations and section drawings

### **Council's Evidence**

There is the following planning history relevant to the proposal at the subject site:

- **2011/3503/P** – Demolition and rebuild single-storey extension at rear ground floor level, formation of new roof terrace, erection of privacy screen and alteration of window to form new door at first floor level rear. Planning permission granted 16/09/2011
- **2011/0236/P** - Change of use from office (Class B1a) to residential (Class C3) to create 2 bedroom flat with new rooflight and window to the rear elevation plus erection of bicycle/refuse store at rear. Planning permission granted 04/04/2011
- **PE9800272** - Change of use of the existing A2 unit on the ground and basement floors to B1(a) office use; as shown on one location plan. Planning permission granted 22/05/1998
- **9300508** - Continued use of ground and basement floors as Estate Agents. Planning permission granted 31/03/1994

There is no relevant enforcement history at the subject site.

### Additional information:

- The Council's Geographic Information System (GISMO) provides aerial images from 2020 which show similar works completed at the rear which appear consistent with those that are the subject of this application and as shown on drawings submitted by the applicant.
- The Council's Building Control records confirm the completion of a conditional passing of plans (ref. 11/2/1775) dated 07/05/2013 in relation to the conversion of existing office into self-contained flat & replacement rear extension at 3 Mansfield Road, London, NW3 2JD.

### **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 relevant building works associated with the basement and ground floor flat were completed more than four years before the date of this application, and have continued as such, for a continuous period until the present time.

The Council does not have any evidence to contradict or undermine the applicant's version of events.

As such, it is recommended that a Certificate of Lawfulness be granted.

**RECOMMENDATION: Grant Certificate of Lawfulness**