

<b>LDC (Existing) Report</b>		<b>Application number</b>	2024/4187/P
<b>Officer</b>		<b>Expiry date</b>	
Tony Young		22/11/2024	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
65 Parliament Hill London NW3 2TB			
<b>Conservation Area</b>		<b>Article 4 Direction</b>	
South Hill Park		Basements	
<b>Proposal</b>			
Amalgamation of landlord stores at ground floor and 1st floor levels with Studios 2 and 5 respectively.			
<b>Recommendation:</b>		<b>Issue Certificate</b>	
<p><b>1.0 Introduction</b></p> <p>1.1 The application site comprises a 2-storey (plus attic) detached property situated on the west side of Parliament Hill, close to its junction with Tanza Road which is situated to the south-east. The property is divided into 8 separate studio units known as Flats A-H on the Council Tax register; however, the 8 units are noted as being referred to as Studios 1 to 8 on the submitted drawings.</p> <p>1.2 The property is not listed and is located within the South Hill Park Conservation and Hampstead Neighbourhood Areas.</p> <p>1.3 The application seeks confirmation that a proposed internal amalgamation of landlord stores at ground floor and 1st floor levels with Studios 2 and 5 respectively would not constitute development for the purpose of Section 55 of the Town and Country Planning Act (as amended) and is lawful such that planning permission would not be required.</p> <p><b>2.0 Applicants Evidence</b></p> <p>2.1 The applicant has provided the following drawings in support of the proposal:</p> <ul style="list-style-type: none"> <li>• <u>Site location plan</u> (unnumbered) identifying the application site in red</li> <li>• <u>Pre-existing floor plans</u> (ref. 11/2639/21) showing ground, 1<sup>st</sup> and 2<sup>nd</sup> floors</li> <li>• <u>Existing floor plans</u> (ref. 11/2639/22) showing ground, 1<sup>st</sup> and 2<sup>nd</sup> floors</li> </ul> <p><b>3.0 Relevant planning history</b></p> <ul style="list-style-type: none"> <li>• <b>2012/0664/P</b> - Installation of ensuite WC facilities to seven bedsits within a large HMO (Sui Generis). <u>Certificate of lawfulness granted 07/12/2012</u></li> <li>• <b>2008/3195/P</b> - Change of use from a House in Multiple Occupation (HMO) containing 7 bedsits with shared facilities and a self contained flat to 7 self-contained bedsits and 1 self-contained flat. <u>Planning permission refused 06/01/2010</u></li> <li>• <b>2008/3196/P</b> - Installation of 2 dormer windows to rear roof slope and blocking up of bathroom window at first floor on rear elevation. <u>Planning permission granted 16/09/2008</u></li> <li>• <b>2005/3481/P</b> - Insertion of 2 rooflights to rear roofslope of existing building. <u>Planning permission granted 07/10/2005</u></li> </ul>			

Enforcement history:

- **EN18/1070** - Unauthorised number of units. No breach found. Case closed 31/01/2019

#### **4.0 Assessment**

- 4.1 Section 55(2)(f) of the 1990 Town and Country Planning Act (hereafter referred to as 'the Act') states that *'in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section [i.e. the Use Classes Order], the use of the buildings or other land, or subject to the provisions of the order, of any part of the buildings or other land, for any purpose in the same class'* is not to be taken for the purposes of the Act to involve development of the land.
- 4.2 The Borough's Local Plan policies seek to protect existing housing by resisting development that would involve the net loss of two or more homes. As the proposal would involve the internal amalgamation of landlord stores at ground floor and 1st floor levels with Studios 2 and 5, there would be no loss of homes as a result of the application. Therefore, there would be no material impact on the Borough's housing stock, nor on the ability of the Council to meet its housing targets.
- 4.3 Additionally, the proposal would be in accordance with Policy HC1 (Housing mix) of the Hampstead Neighbourhood Area Plan which seeks to minimise dwelling loss during conversions as there would be no alteration to the number of residential units at the property.
- 4.4 As such, the proposed internal works to landlord stores previously used to store supplies and which are incidental to the residential use at the application site, include alterations to remove entrance doors and partition walls at ground floor and 1st floor levels, and therefore, are not considered to result in a material change of use. Furthermore, no material alteration to the external appearance of the building is proposed. Therefore, the works are not considered to fall within the 'meaning of development' requiring planning permission as defined under Section 55(2)(f) of the Act.
- 4.5 Consequently, the proposal is lawful and it is recommended that a Certificate of Lawfulness be granted.

#### **5.0 RECOMMENDATION: Grant Certificate of Lawfulness**