

Development Management
London Borough of Camden
2nd Floor, 5 Pancras Square
London
WC1H 9JE

4 February 2025

Our ref: NGR/HBR/CLC/U0029269
Your Ref: PP-13741204

Dear Sir / Madam

Flat 401, Corner House, 36 Tottenham Street, London, W1T 4DB
Certificate of Lawfulness for a Proposed Use or Development (CLOPUD)

On behalf of our client, Bruno and Benoit Bertrand-Delfau (the Applicant), we write to submit an application for a Certificate of Lawfulness for a Proposed Use or Development (Certificate Application) under Section 192 of the Town and Country Planning Act 1990 (as amended).

This Certificate Application relates to the proposed installation of a hot tub on the existing private roof terrace of Flat 401, Corner House, 36 Tottenham Street, London, W1T 4DB (the Site).

For the reasons set out in this letter, the proposed works do not constitute development under Section 55 of the Town and Country Planning Act 1990 (as amended). Nevertheless, and for the avoidance of doubt, this application is submitted in order to verify that the proposed works do not require planning permission.

The Site

Apartment 401 is an existing two storey, 3-bedroom residential apartment with an external roof terrace, that occupies the fourth and fifth floor of a mixed-use development known as Corner House.

Corner House is situated at the junction of Tottenham Street and Charlotte Street in the London Borough of Camden (LBC) and comprises office floor space at part basement and ground floor level, with 11 residential units, including Flat 401, at upper levels.

Corner House is a modern development within Camden's Central London Area and is not statutory listed. It does, however, fall within the Charlotte Street Conservation Area.

The application is accompanied by a 3d red line boundary. The red line is marked in plan form and an accompanying section drawing is provided to show that the red line relates to part of the terrace at level 5 of the building only.

Background

The Applicant has owned and occupied Flat 401 as their main residence since 2016. In order to expand their family home, the Applicant has recently purchased Flat 302 within the same building, which is a 2-bedroom single storey apartment that sits directly below Flat 401 at the third floor. The Applicant will imminently be undertaking an amalgamation of these two apartments to create one single family residence. A Certificate of Lawfulness in respect of this proposed amalgamation was obtained on 6 June 2024 (ref: 2024/1387/P).

Relevant Planning History

Planning permission (ref. 2012/2045/P) was granted on 13 December 2012 for the *“erection of a part 3/4/5 & 6 storey building plus basement level for a mixed use development comprising of 11 residential units (Class C3) and 253sqm of office (Class B1) floorspace at part basement and ground floor level, following demolition of existing buildings at 73-75 Charlotte Street & 34-38 Tottenham Street and 4 Tottenham Mews”*.

On 6 June 2024 a Certificate of Lawfulness was granted (ref. 2024/1387/P) to ascertain that *“the amalgamation of two existing flats (302 and 401) into a single family dwelling (Use Class C3)”* would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990, as amended.

Proposed Works

As part of the works to reconfigure their family home, the Applicant wishes to install a hot tub on the roof terrace of their property.

The roof terrace is accessible from the second floor of Flat 401 (pre-amalgamation) and is situated on the fifth floor of Corner House.

Lawfulness

Section 55 (1) of the Town and Country Planning Act 1990 (as amended) states that development means *“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”*.

Importantly, Section 55 (2) (a) confirms that for the purposes of the Act, the carrying out for the maintenance, improvements or other alteration of any building which affects only the interior of the building or does not materially affect the external appearance of the building, shall not be taken to involve development of the land (our emphasis added).

The proposed hot tub will not be fixed to the existing roof terrace, only requiring connections to existing water and electricity supplies. Once the hot tub is no longer required, it can simply be disconnected from these utilities and removed without affecting the fabric of the building in any way.

The proposed hot tub has been sympathetically designed to integrate into the design of the existing building, preserving the appearance of the Charlotte Street Conservation Area. The external sides of the hot

tub will be covered with a composite wood selected to match the existing terrace decking and the inside of the hot tub will be black in colour.

The hot tub has been strategically placed away from the edge of the building, set back against the existing lift overrun, to ensure it is as visually unintrusive as possible, especially from street level within the conservation area.

Grafted Limited, the Applicant's architect, has documented the visibility of the hot tub from street level in the enclosure labelled 'Planning Sightlines'. This document demonstrates that the hot tub will largely be concealed by the existing building mass, with only very minor visibility arising from a western approach, along Tottenham Street.

Accordingly, and for the reasons set out above, it is considered that the proposals would not materially affect the external appearance of the building and therefore would not constitute development under the terms of Section 55 of the Town and Country Planning Act 1990 (as amended).

We therefore consider that the proposed works would be lawful and look forward to receiving your confirmation of this as soon as possible.

Documentation

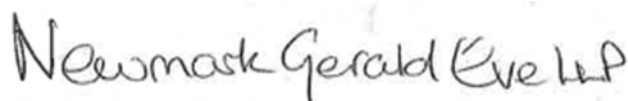
Accordingly, we submit the following documents via Planning Portal (ref. PP-13741204):

- Cover letter;
- Application forms;
- Site location plan prepared by Grafted Ltd;
- 3D redline boundary plan prepared by Grafted Ltd;
- Existing and proposed floor plans prepared by Grafted Ltd;
- Existing and proposed sections/elevations prepared by Grafted Ltd; and
- Planning Sightlines prepared by Grafted Ltd.

The application fee has been paid as part of the submission of the application on the Planning Portal.

We trust that you have everything required to progress with the validation and determination of this application. However, please do not hesitate to contact Hannah Bryant (0207 333 6427) or Caroline Carney (0203 486 3708) of this office should you have any questions regarding the above.

Yours faithfully,



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