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For and on behalf of

**Khetani Investments  
Limited**

# Planning Assessment

To support a Lawful Certificate of Existing  
Development and retention of 4 self-  
contained at 30 Mazenod Avenue,  
London, NW6 4LR



30<sup>th</sup> October 2024

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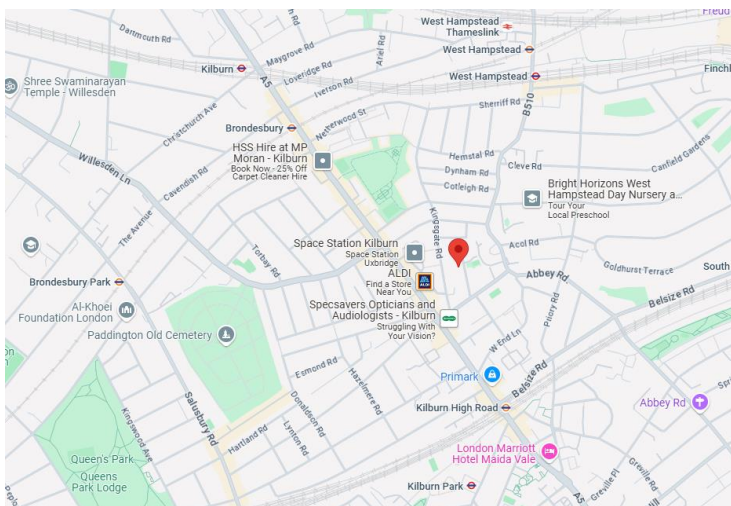
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## 1. Introduction

- 1.1 Saloria Architects has been engaged by the applicant, Khetani Properties Limited, to prepare the following Planning Assessment to confirm the lawful existing use of the land specified under section 191 of the Town and Country Planning Act 1990, for the Certificate of Lawfulness: Existing Use application (Use Class C3 – 4 self-contained flats) at 88A Furness Road, London, NW10 5UE.
- 1.2 This Planning Assessment should be read in conjunction with the planning application drawings and the following supporting information:
- Planning Application Form, Notices and Fee
  - Original and As Built drawing 170203-01-P0
  - Site plan 170203-00-P0
  - Block Plan 170203-02-P0

## 2.0 Site and surrounding context

- 2.1 The subject property falls within Kilburn which is part of the London Borough of Camden Council planning authority.
- 2.2 The property has good connection to public transport as has a Public Transport Accessibility Level (PTAL) of 5 (good).
- 2.3 The property is located in a Controlled Parking Zone (CPZ).



location of 30 Mazenod Avenue,  
NW6 4LR

**Figure 1:** Screenshot of map showing locality (taken on 25/11/24)

- 2.4 The site is situated in an area comprised of mainly three storey terraced houses with a front and rear garden, and some have loft conversions.
- 2.5 The property is not located in a Conservation Area and is not a Listed Building.

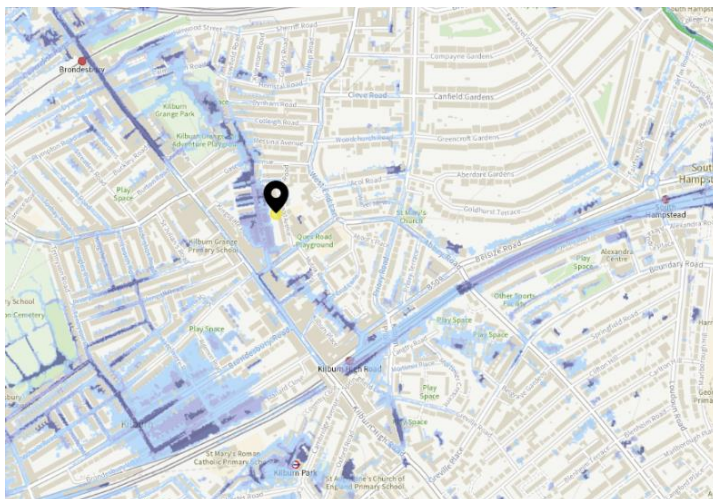
2.6 The site area is approximately 151.70 m<sup>2</sup> and has an existing residential footprint of 77.13 m<sup>2</sup>.



PTAL Value for 30 Mazenod Avenue, NW6 4LR

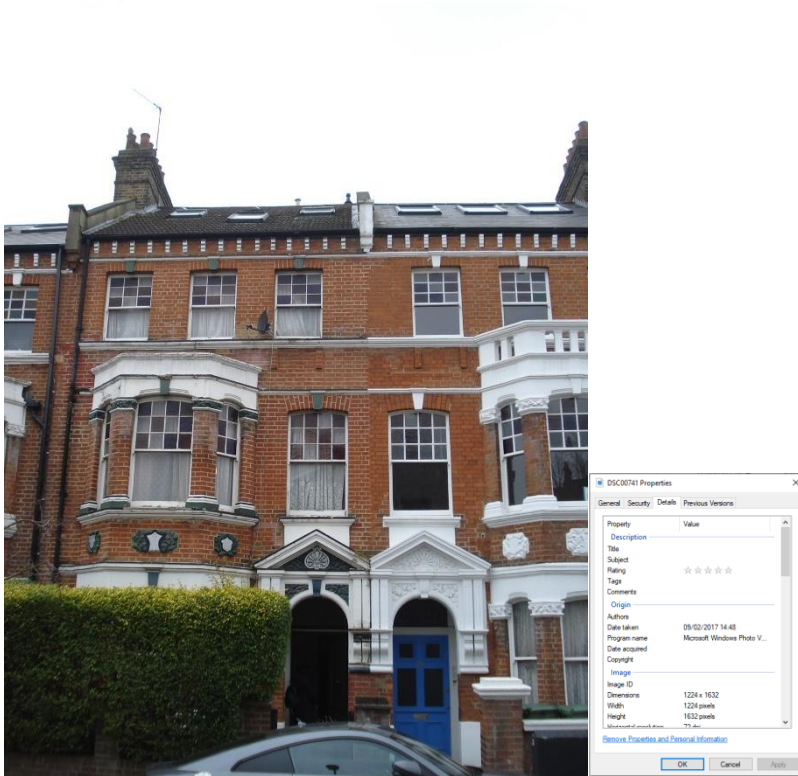
Figure 2: Screenshot of map showing PTAL (taken on 23/06/23)

- 2.7 30 Mazenod Avenue is a terraced property and is accessed directly from Mazenod Avenue. The principal elevation of the existing building is orientated towards the east.
- 2.8 There are no mature trees on or adjacent to the site.
- 2.9 The nearest neighbours are located at 28 and 32 Mazenod Avenue and 25 Kingsgate Road NW6 4TD on the rear. The property has no effects against overlooking and the preservation of the neighbours' outlook and amenity.
- 2.10 In respect of the possible flood from rivers and sea, the proposed site is located in Flood Zone 1. Therefore, flooding from rivers and the sea is unlikely.

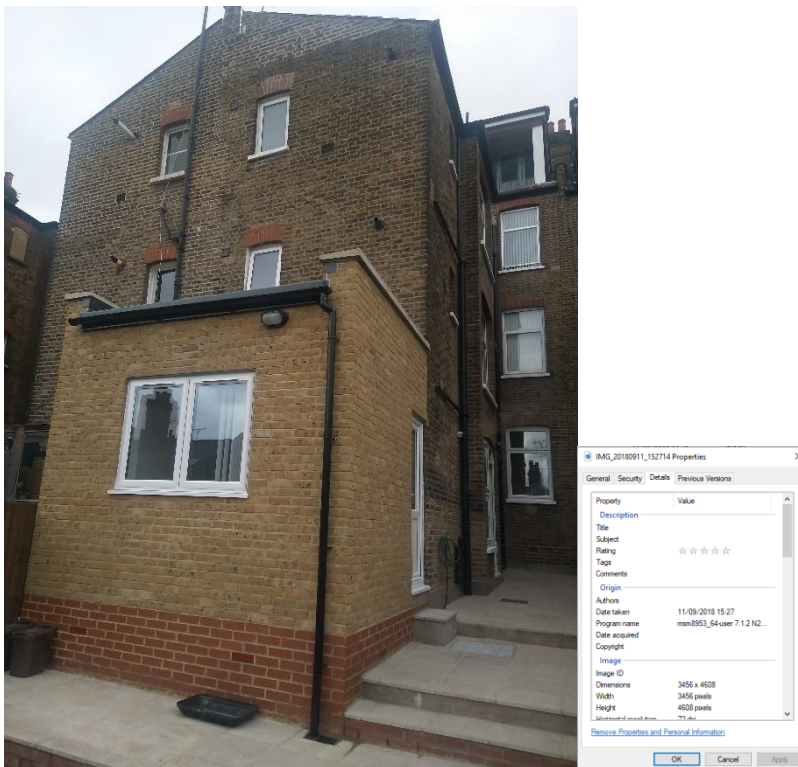


Surface water of 30 Mazenod Avenue, NW6 4LR

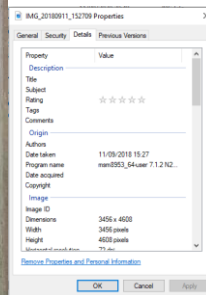
Figure 3: Screenshot of map showing flooding from surface water (taken on 28/11/24)



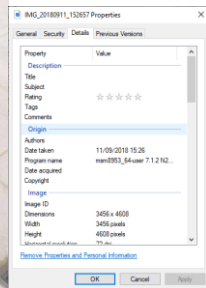
Front elevation of 30 Mazenod Avenue, NW6 4LR (taken on 09/12/17)



Rear elevation of 30 Mazenod Avenue, NW6 4LR (taken on 11/09/18)



Rear elevation of 30 Mazenod Avenue, NW6 4LR (taken on 11/09/18)



Rear garden of 30 Mazenod, NW6 4LR (taken on 11/09/18)

### 3.0 Planning ‘tests’ for Lawful Development

3.1 In all, the burden of proof is on the applicant to demonstrate beyond doubt (unless the council could produce a contrary evidence) that in probability the development had been completed for more than four years ago from the date of the application and was complete at the cutoff date of 25 April 2024 when the changes in GDPO were made and 4 year extended to 10 years. The applicant have demonstrated below and in the drawings surveyed in May 2017 following the completion of their purchase in 2017. There has been no changes to the layout since the survey which was reinspected by director of Saloria Architects on 3rd December 2024.

3.2 The ‘test’ in evidential terms is not the criminal test of ‘beyond reasonable doubt’ but the civil test of ‘the balance of probabilities’.

#### Relevant Planning History

3.3 The following section provides a summary of the planning history relevant to the site. Consideration has also been given to relevant planning control within the immediate area.

3.4 The approved planning history available pertaining similar to the site is as follows:

	Validation Date	Title	Decision
PW9902483	17/06/1999	Erection of a rear dormer to create extra rooms in the attic, and installation of 3 Velux windows. As shown on drawing no 1231.01	Granted 17/06/1999

### 4.0 The ‘use’ of the site

#### Applicant’s case

4.1 The Applicant trusts that they have provided sufficient proves that the premises at 30 Mazenod Avenue has been used as 4 flats before purchase it in the applicant purchased the property as four self-contained flats which he refurbished (without changes to the layout) in 2017. The flats began to be occupied with first flat occupied in May 2017. This was the top flat, flat 4. It appears that work continued top down with ground floor being completed and occupied in September 2018 as the evidence suggests. This confirms that the flats existed as 4 self-contained flats since May 2017 and March 2018, without any break in occupancy or changes to layout. Ground floor flat, flat 1, was first occupied in September 2018. This together with supporting evidence confirms that 4 flats were complete and occupied before 25 April 2024. And from the date of the application the development has been in place in excess of four years without any break.

4.2 Furthermore, the google earth satellite view snapshots from the year 2017 – 2020, clearly shows that the single storey rear extension was done between 2018-2019. Whereas 2020 google earth satellite image shows the additional development of the rear extension replacing the previous to

the original house (Please see Annex A9 – Google Earth Satellite Images). The applicant has provided pictures from 2018 when they started the works, with the foundation. (Please see the Annex A10 – Photos from site during works). The rear extension that has been constructed in excess of 4 years and therefore immune from any enforcement after 4 years of completion. The extension appears to be a single operation with the refurbishment of the 4 flats and therefore has been part of the ground floor since completion September 2018. It was within permitted development requirements and the applicant has provided the Building Control final certificate dated in 2018 for the construction of the single storey rear extension only (please see Annex A11 – Building Control final certificate).

- 4.3 In 2021 the applicant received a letter from Thames Water asking about separate water supplies for each flat. The applicant has provided emails between Thames Water and him during the application for separate 4 water supplies, one for each flat (please see Annex A5 - Thames Water letter and emails). This application was retrospective as there was only one supply of water for 4 No. Flats. This was completed in 2021 and confirms that the 4 flats existed before 25 April 2024.
- 4.4 The documents from British Gas at Annex A6 – British Gas Utility Bills demonstrate the flats existed since 2017.
- 4.5 The applicant has provided the land registry documents for each flat that are dated since 2021. (please see the Annex A4 - Land Registry 2021). This is the dates when they were finally registered at the Land registry.
- 4.6 Before the works started, the applicant has applied for separate Council tax for each flat and he received separate council tax for each flat since 2017 (please see Annex A3- Council tax 2017 – 2018). There were errors on the council Tax which were then with assistance from Saloria Architects rectified. Correspondence between Saloria Architects and the council are at appendix A3.

#### **Occupants' tenancies**

- 4.7 To further prove that 30 Mazenod Avenue is a 4 flats property, the Applicant presents tenancy agreements from all 4 flats.
- 4.8 This is also shown on the timeline (see Appendix 13 ) which further supports the fact that since the current owner since March 2017, the premises has always been used as 4 separate flats (Use Class C3) and the tenancy agreement dates for each room visually ensures that there are no gaps between each tenancy.
- 4.9 On all the tenancy agreements (Annex 1 – Tenancy Agreements), it clearly states that the tenants have agreed to rent the flat. The applicant has provided bank statements where you can clearly see the rent received in his account from the tenants for each flat with no gaps since 2018. (please see the Annex A2- Bank Statements).



4.10 All these documents collectively, prove, beyond doubt that the 4 No. Self contained flats were developed and completed in excess of 25 April 2024 and in excess of 4 years (development) therefore the application must succeed.

## **5.0 Conclusions**

5.1 This statement gathers over whelming, the evidence to support the application for a Certificate of Lawfulness for Existing development for 4 No. Self-contained flats at 30 Mazenod Avenue, London, NW6 4LR.

5.2 The Applicant has proved beyond doubt that the development of 4 No. Self-contained flats were completed in excess of 4 year from the date of application but completed and occupied before the cutoff date of 25 April 2024 .

5.3 The applicant has proved beyond doubt that conversion of the flats including its use (as GDPO applied for flats ) was complete and occupied before 25 April 2024 and therefore is considered Lawful.

5.4 The Applicant has provided the supporting statements, tenancy agreements, utility bills/correspondence, photos and bank statements. The evidence before you is over whelming to prove beyond doubt that 4 No. flats were completed and occupied before 25 April 2025 and has been completed in excess of 4 years. There is only once decision and that is to grant the Certificate of Lawfulness for the 4 No. self-contained flats.

## 6.0 List of Appendices

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