

LDC (Existing) Report		Application number	2025/0175/P
Officer		Expiry date	
Connie Marinetto		13/03/2025	
Application Address		Authorised Officer Signature	
Basement Flat 42 Chalcot Road London NW1 8LS			
Conservation Area		Relevant article 4	
Primrose Hill			
Proposal			
Use of the basement and part ground floor as a self-contained residential unit (Class C3).			
Recommendation:		Grant Lawful Development Certificate	
<u>Introduction</u>			
<p>The application site comprises a four-storey building located within the Chalcot Road Local Centre. The building is in Class E commercial use at part of the ground floor to the front (hairdressers), with the basement, part of the ground floor to the rear and first and second floors being in residential use. The maisonette at the basement and rear ground floor is the subject of this application.</p> <p>The site is not listed and is located in the Primrose Hill Conservation Area.</p> <p>The application seeks to demonstrate that, on the balance of probability, the basement and part ground floor as a self-contained residential unit began at least four years before the date of the application, such that retention of the use would not require planning permission.</p>			
<u>Applicant's Evidence</u>			
The applicant has submitted the following <u>documents</u> in support of the application:			
<ul style="list-style-type: none"> • Building Control Certificate issued in relation to various internal works to connect the lower ground floor flat with rear of the ground floor (dated May 2014) • Property Valuation in relation to 'lower ground and part ground floor' flat (dated July 2014) • Inventory List including photographs of flat across both floors (dated May 2014) • Rent Invoices (various – dated between October 2014 – June 2022) • Council Tax Records issued to Basement Flat (dated between 2014-2016) • Tenancy Agreement for 'garden/basement' flat (dated August 2015) • Landlord Gas Safety Record (various – dated between August 2017 – July 2024) • Business Rates Bills (dated October 2014) • EPC Certificate (dated February 2024) 			
The applicant has also submitted the following <u>drawings</u> :			

- Site Location Plan
- Block Plan (drawing no. PLAN01 – dated November 2024)
- Existing Elevations and Floor Plans (drawing no. PLAN02 – dated November 2024)

Council's Evidence

The following planning history is relevant to the site:

- **2003/1187/P** – Erection of a two-storey rear extension to provide extra living accommodation for lower ground floor flat and increased floorspace for shop at ground floor, plus installation of new shop front and opening up of lightwell to provide stair access to self-contained flat below. **Granted 13/11/2003**
- **2011/0750/P** – Retention of ground floor as an estate agency (Class A2). **Granted 13/05/2011**
- **2015/4478/P** – Erection of a mansard roof extension to provide additional habitable space **Granted 03/11/2015**

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

The following additional information is relevant to the application:

- Council Tax Band Record on the Valuation Office Agency website (ref. 5141478), confirming record of residential unit at application site with effect from 01/04/2006:

Property information for
**FLAT LGND FLR 42, CHALCOT ROAD,
 LONDON, NW1 8LS**

Local Authority	Camden
Local authority reference number	5141478
Council Tax band	E
Improvement indicator	No
With effect from	1 April 2006
Mixed-use property	No
Court code	None

A site visit took place on 03/03/2025 and it was confirmed that the layout of the property matches the submitted plans and the subject property is in use as a self-contained residential dwelling.

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 the basement and part of the ground floor as a self-contained residential unit (Class C3) 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 the basement and part ground floor as a self-contained residential unit (Class C3) 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