

<b>LDC Report</b>		10/04/2012
<b>Officer</b>		<b>Application Number</b>
Fergus Freeney		2012/0664/P
<b>Application Address</b>		<b>Drawing Numbers</b>
65 PARLIAMENT HILL LONDON NW3 2TB		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b>		
Installation of ensuite WC facilities to seven bedsits within a large HMO (Sui Generis)		
<b>Recommendation: Refer to Draft Decision Notice</b>		
<b>Assessment</b>		
<p><u>Site</u></p> <p>The site is located on the west side of Parliament Hill, it comprises a 3 storey property which is a large HMO (Sui Generis) with 7 bedsits and a self contained residential unit which is accessed via the main shared hallway. The site is not a listed building, but is within the South Hill Park Conservation Area.</p> <p><u>Proposal</u></p> <p>A lawful development certificate is sought for the installation of WC facilities to each of the 7 existing bedsit units. The application forms considers that the existing and proposed use of the building would be C3, and that the described works would not cause the property to fall outside of it's existing HMO usage, and thus no development requiring planning permission would occur. The 7 bedsits and 1 flat within the subject property clearly do not constitute a C3 use, nor would they cause the lawful use to be C4 (HMO for 3-6 occupants), but the question as to whether the works would cause development involving a change of the sui generis use to occur remains to be assessed.</p> <p><u>Relevant planning history</u></p> <p>2008/3195/P - 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. <i>Refused 06/01/2010</i></p> <p><u>Relevant applications at other sites</u></p> <p><b>17 College Crescent</b> - 2010/1131/P - Conversion of 9 non self-contained residential units (9</p>		

bedsits with shared bathrooms) (HMO) at first, second and third floor level to 9 self-contained studio flats (Class C3). *Refused 15/04/2010 (Allowed on appeal 07/01/2011)*

**11 Charlotte Place** - 2009/2836/P - Conversion of the existing House in Multiple Occupation consisting of 5 bedsits to 3 self-contained studio flats. *Refused 14/10/2009 (Allowed on appeal 25/11/2010)*

**37 Grafton Way** – 2011/0327/P - Conversion of non self-contained flat at first floor to self contained flat (Class C3). *Approved 21/03/2011*

#### Submitted information

- Site location plan
- Existing and proposed floor plans

#### Assessment

In assessing a Lawful Development Certificate of this nature it is necessary to establish whether the proposal would amount to development requiring planning permission, or whether, given no external works of development would occur, whether a material change in use would occur.

It has been established in previous appeal decisions (see relevant applications above) that the self containment of bedsits does not necessarily bring about a change of use. However, where it does constitute a change of use the transferral does not in itself mean that the change is material.

Furthermore, section 55 of the Town and Country Planning Act 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' it goes on to state that the 'carrying out for the maintenance, improvement or other alteration of any building of works which— (i)affect only the interior of the building, or (ii)do not materially affect the external appearance of the building' are not considered to be development.

In this instance, where WC facilities are installed into individual bedsits within a large HMO, being only internal works and with no impact on the number of units, if there is no change in the overall character of the use then there will be no material change of use.

There are currently 7 bedsits with shared bathroom facilities and 1 self contained flat within the property. The 7 bedsits each display a high degree of self-containment with kitchenettes and lockable main doors - there are no central meeting places where a sense of communal living can be felt and the only shared facilities are the bathrooms. Given the mostly independent nature of each bedsit it is likely that the building functions similarly to a building containing fully-self contained flats.

While the configuration of the individual bed-sits would be altered, the overall size of the units would not be appreciably dissimilar to what they are now.

The changes to bedsit size as a result of the installation of WC facilities is detailed below:

Bedsit	Existing floor area	Proposed floor area (excluding new WC facilities)
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1	21.67sqm	18.77sqm
2	19sqm	No change (WC installed in adjoining store room)
3 (Existing self contained flat)	24.78sqm	30.73sqm
4	21.76sqm	No change in overall size (WC installed into existing kitchen area)
5	18.72sqm	No change (WC installed in adjoining store room)
6	17.9sqm	28.16sqm
7	24.32sqm	22.12sqm
8	16.0sqm	13.8sqm

Given the modest changes in habitable floor area the installation of WC facilities would make little difference to the day-to-day activity within the property. It is unlikely that the nature and pattern of occupancy of the 7bedsit units would change significantly or that there would be a perceptible change in the manner that the building as a whole is used.

The provision of WC facilities would make the units more self contained in that the residents would no longer have to rely on communal bathrooms and toilets to meet their needs, but the essential character of the units would still be as individual bedsits, albeit ones with enhanced facilities. The main difference in the way the property operates being that occupants wishing to use the WC facilities would be able to do so within the confines of their own accommodation rather than having to leave their bedsit to use the communal facilities.

No additional units are proposed, and the changes to the size of the habitable space is unlikely to result in significant changes to occupancy levels. Whilst it is likely that there will be a reduction in the amount of activity in the communal hallway this would not alter the character of the building as individual bedsit units with limited interaction between residents other than sharing the bathrooms.

### Summary

Given the modest nature of the works it is considered that, in this instance, the installation of WC facilities within each bedsit would not materially alter the character or function of the property and therefore does not contribute towards a material change of use, or operational development.

**Recommendation: Issue Certificate of Lawful Development**

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