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Your ref:

Our ref: CWA/CMW/pl/1087/1

Date: 1st December 2011

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Development Control,
Environment Department,
London Borough of Camden,
Camden Town Hall,
Argyle Street entrance,
Euston Road,
London WC1H 8ND.

VIA THE PLANNING PORTAL ONLY

Dear Sir or Madam,

TOWN AND COUNTRY PLANNING ACT 1990
SITE AT 27 TANZA ROAD, LONDON NW3 2UA
LAWFUL DEVELOPMENT CERTIFICATE APPLICATION - EXISTING USE

I refer to the above site, and to the application for a Lawful Development Certificate (LDC) in respect of the use of the property as a self-contained residential unit at basement and ground floor levels, ancillary storage and private guest accommodation at first floor level associated with the basement and ground floor unit, and a self-contained residential unit at second and third floor levels.

The application, which is being lodged via the Planning Portal, includes the following documentation in addition to the application form:-

- Existing layout drawing no. 001;
- The site location (title) plan on which the application site is outlined in red;
- A statutory declaration by Mr Ryszard Tomasz Trebacz;
- A statutory declaration by Mr Alister Ewan Cameron; and
- A statutory declaration by Ms Nancy Hakim.

Please note that payment for the application fee of £770-00 is being forwarded by post.

In assessing this application, I would ask you to have regard to the following:-

Site Context

The application site is located on the east side of Tanza Road, a short distance to the south of Parliament Hill. The site is occupied by a semi-detached residential property which includes a basement (lower ground) floor and four upper storeys. The building, which dates from the Victorian period, is in use as two residential units.

The basement and ground floor of the property comprise a 5 habitable room self-contained maisonette ('the lower maisonette') which is accessed via a private front door located within the communal ground floor hallway. The unit incorporates bathroom and kitchen facilities, and has exclusive use of the property's rear garden. The unit is currently vacant following the death of the owner.

The second and third floors of the property comprise a 3/4 bedroom self-contained maisonette ('the upper maisonette') which is accessed via a private front door located at the top of the stairs at second floor level. The unit, which incorporates bathroom and kitchen facilities, is currently occupied.

The first floor of the property comprises a series of rooms which were last used as storage and private guest accommodation in connection with the lower maisonette. The accommodation, which includes a lavatory but no functional bathroom or kitchen facilities, is now vacant following the death of the owner.

The existing lawful use for which the LDC is sought

The LDC is sought in respect of the use of the premises as two self-contained residential units, and the use of the first floor as ancillary accommodation associated with the lower maisonette.

The grounds on which the LDC is sought are that the lower and upper maisonettes have both been in place continuously for more than 4 years, and the ancillary use of the first floor has been in place continuously for more than 10 years.

Supporting evidence

Evidence in support of the LDC is submitted in the form of three statutory declarations.

The statutory declaration of Mr Ryszard Tomasz Trebacz

Mr Trebacz is a Solicitor who knew the last owner of the property, Mrs Rachel Parker, for more than 40 years, and acted for her in a professional capacity for

more than the last 20 years. Mr Trebacz's evidence provides a detailed account of the history the application property over approximately the last 75 years.

The property was originally constructed as a single dwelling but was converted into three flats in 1935. The conversion comprised (i) the lower maisonette occupying the basement and ground floors, (ii) a first floor flat, and (iii) the upper maisonette occupying the second and third floors. This, therefore, was the use of the property on 1st July 1948. The upper maisonette has remained in place as a self-contained unit since 1935.

The histories of the lower maisonette and the first floor flat are interlinked, as described below. These three floors are now used, in effect, as a single residential unit comprising a self-contained maisonette with ancillary accommodation.

Mr and Mrs Parker occupied the lower maisonette from the late 1940s, and acquired the freehold of the entire property in August 1961. The first floor flat was the subject of a regulated tenancy, which began on 27th September 1935, with a Mr M. Pulford. Mr Pulford was succeeded to the tenancy by members of his family, ultimately Mrs May Pulford who, as a result of age and infirmity, vacated the premises in late 1988, and died shortly thereafter. Mrs Pulford's tenancy ceased when she vacated the premises.

Following Mrs Pulford's departure, Mrs Parker created a functional link between the lower maisonette and the first floor accommodation, and the use of the first floor flat as an independent unit ceased. The use of three floors as a single demise began at least as early as 1989, and has continued without interruption since that time.

Mrs Parker used the first floor rooms for storage and for the accommodation of visiting family members and friends. The kitchen was permanently removed, and guests were given meals in the lower maisonette. The hot water supply to the bathroom was removed.

As a result of the functional integration of the first floor accommodation with the lower maisonette, the lower three floors of the premises became rated, for Council Tax purposes, as a single unit. This followed an inspection of the premises, and will be revealed in the Council's records. The upper maisonette is rated as a separate unit for Council Tax purposes.

Mrs Parker died on 6th March 2011 since which time the lower maisonette and ancillary accommodation have been vacant.

The statutory declaration of Mr Alister Ewan Cameron

Mr Cameron is the brother of the late Mrs Rachel Parker. His evidence confirms that his sister and her husband occupied the lower maisonette from the late

1940s onwards. He also confirms that the first floor was occupied by Mrs Pulford until late 1988.

Mr Cameron visited and stayed at the application property during the periods before and after the occupation of the first floor by Mrs Pulford. In 1991, Mr Cameron visited the property, and helped his sister store a large volume of furniture in the first floor rooms. At this time, the kitchen was removed, and the bathroom was unusable due to the absence of hot water supply.

Mr Cameron subsequently visited and stayed at the property on various occasions during 1995, 1997, 2002 and 2010. On these occasions, he and members of his family occupied bedrooms on the first floor of the property using bathroom, kitchen and dining facilities in the lower maisonette.

Mr Cameron confirms that at no time, during the period following Mrs Pulford occupation, was the first floor used as an independent unit either for letting or for occupation by paying guests.

The statutory declaration of Ms Nancy Hakim

Ms Hakim and her husband were tenants of the upper maisonette from October 2001 to April 2010. She confirms that the application property was used as two residential units during this period. Apart visiting family and friends who stayed with Mrs Parker, she was not aware of anyone else living at the property. She was aware that Mrs Parker used the first floor for storage purposes, and for occasional guest accommodation.

Ms Hakim confirms that she became a friend of Mrs Parker, and that the use of the upper maisonette continued after she vacated the unit in April 2010. She visited Mrs Parker after this date, and states that she believes that her use of the basement, ground and first floors continued until she died in March 2011.

Other evidence


In addition to the submitted evidence, it should be noted that the property is currently registered as two separate units for Council Tax purposes.

Conclusion

In light of the evidence submitted with the application, it is clear that the two self-contained residential units have been in place for over 4 years prior to the date of this application, and that the use of the first floor as ancillary accommodation associated with the lower maisonette has been in place for well over 10 years prior to the date of this application. The existing uses are therefore lawful.

I look forward to the early and favourable determination of the enclosed application. In the meantime, if you require any further information, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'C. Wickham', with a large loop at the start and a long horizontal stroke at the end.

CHRISTOPHER M. WICKHAM