

LDC Report		23/09/2011
Officer		Application Number
David Glasgow		2011/3597/P
Application Address		Drawing Numbers
61 Roderick Road London NW3 2NP		Refer Draft Decision Notice
PO 3/4	Area Team Signature	Authorised Officer Signature
Proposal		
Use of premises as a single dwelling house (Class C3).		
Recommendation: Refer to Draft Decision Notice		
Assessment		
<p>Site description The application site is a mid terraced property on the east side of Roderick Road. The site is located in the Mansfield Conservation area.</p> <p>Planning History No planning or enforcement history</p> <p>Proposal The applicant is seeking confirmation that a proposed change of use from C4 (HMO) Use Class to C3 (Dwellinghouse) Use Class is permitted development.</p> <p>Assessment</p> <p><u>Existing Use Class</u></p> <p>The property was originally constructed as a single dwelling house circa 1880. There is no subsequent planning history for the property; however Council tax records show the house has only ever been banded as a single dwelling house.</p> <p>According to the applicant the property was converted from a single dwelling house to a HMO in 2004 without the benefit of planning permission. The property has also never been licensed as a HMO. A site visit conducted on 22/09/2011 revealed that the current layout is that of a 9 bed HMO with each room containing a kitchenette with shared bathroom facilities located on each floor. There is no evidence of any self containment of separate flats or maisonettes within the property.</p>		

S171B (2) of the Town and Country Planning Act 1990 states that where there has been a breach of planning control consisting of a change of use of any building other than to a single dwelling house, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. The HMO use of the property was unlawfully implemented without planning permission, and has not been operating for the requisite 10 years to make it immune from enforcement action. There is also no evidence to suggest that the property has ever been used as anything other than either a single dwelling house or as presently, a HMO. Based on this evidence, the existing lawful use of the property is considered to be that of a single dwelling house (Class C3).

Given the current unlawful use of the premises as a HMO. It is recommended that an informative be attached warning of enforcement action and the need to apply for planning permission in order to continue the current HMO use.

Recommendation

Issue Certificate of Lawfulness.

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