

Delegated Report		Analysis sheet		Expiry Date:		17/09/2010	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Phillip Jones				2010/3603/P			
Application Address				Drawing Numbers			
22 Buckland Crescent London NW3 5DX				1 Photo Sheet; 100705/01; 100705/03; 100705/02; 100705/04; Supporting Evidence;			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of roof dormer extensions and conversion of roof space into self contained flat((Class C3)							
Recommendation(s):		Refuse to issue Certificate of Lawfulness (Existing).					
Application Type:		Certificate of Lawfulness (Existing)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00	
			No. electronic	00			
Summary of consultation responses:		No consultations carried out					
CAAC/Local groups* comments: *Please Specify		No consultations carried out.					

Site Description

A substantial semi-detached Victorian villa located on the north western side of Buckland Crescent, comprising basement and three-storeys. The building is not listed; however it is located within the Belsize Conservation Area.

The building is in residential use, with the current layout comprising eight self-contained units, plus the additional unit within the roof space. The internal layout was not confirmed during the processing of this application.

Relevant History

22/01/1980: Planning permission *granted* (ref. G7/12/B/29546) for change of use, and works of conversion, of ground floor and basement to provide two maisonettes.

02/11/1999: Planning permission *refused* (ref. PW9902718) for change of use from 8 non-self contained bedsits on the first and second floors to two self contained flats and installation of two windows on the side elevation.

Reason for refusal 1: The proposed development involves the loss of existing residential accommodation of a type which the Council considers should be retained in this area.

Reason for refusal 2: The installation of the windows on the side elevation would result in overlooking of habitable rooms of the adjoining properties to the detriment of their amenities.

09/05/2008: Enforcement complaint received regarding the installation of dormer windows in the roof of the property. Following investigation an Enforcement Notice was issued with regard to the unauthorised erection of a roof extension the notice was dated 19 November 2008. The notice was appealed to the Planning Inspectorate and a Hearing was held on the 18 June 2009. Following the Hearing the appeal was dismissed on the 30 June 2009 and the Enforcement Notice upheld with a compliance period of 12 months.

Relevant policies

Replacement Unitary Development Plan 2006

Not relevant to a Certificate application.

Assessment

The information submitted with the certificate application consist of a number of documents relating to flat 9, 22 Buckland crescent, NW3 5DX.

In detail the evidence submitted by the applicant consist of:

Various letters from Kirkwoods solicitors stating the works had taken place prior to the purchase of the property by Mr Moein and that based on the Mortgage valuation report produced by Mortgage Express prior to the purchase of the property this confirmed the works had taken place.

No indication within this correspondence when the works, the subject of the certificate took place.

Lease agreement, dated 2008, between Ali Akbar Alavi and Reza Moien regarding Flat 9 22 Buckland Crescent, London, NW3 5DX. This document is neither signed nor dated.

The lease could relate solely to the loft space and does not prove the existence of the flat/extension for four years.

Valuation report from Mortgage Express. This report states the purchase relates to a flat in a block of 4 storeys and that the flat is on the second floor.

The report is not dated and states the flat is on the second floor when in fact it is on the third floor.

Lease agreement dated 3 February 2006 between 22 Buckland Crescent Ltd and Esmat Jouzdani regarding the lease of flat 9, 22 Buckland Crescent, Hampstead, London, NW3 5DX. This lease has a plan attached that shows a staircase up from the second floor into the roof space and this is marked as flat 9.

The lease relates to the roof space which is marked as flat 9 although no internal partitions are shown, however even if the lease related to a new residential unit the flat would not have been lawful on the date the Enforcement Notice was issued 19 November 2008.

A number of invoices with regard to works carried out to the property described as 3rd floor flat 9, 2nd floor flat 8 and 1st floor flat 3. A letter to Mr R Moein regarding EDF energy Meter stating a start date of 8 June 2000. Letter from Abbey Properties dated 7 June 2004 regarding access to flat 9 on the 15 June 2004. Thames water bill for Mr Alavi flat 9, 22 Buckland Crescent NW3 5DX dated 21 April 2009. Camden Council tax statement for Mr R Moein, Flat 9 22 Buckland Crescent, NW5 5DX, dated 8/10/2009 for financial year 2009/2010.

None of the evidence submitted specifies the loft flat and as I shall mention later in the report the internal layout has been changed over the years.

Letter from Michael Placks & Company regarding a visit to the property by Mr Placks some 6-8 years ago. In the letter Mr Placks states at that time there was some 9 units and he recalled going to the top of the building where a flat existed.

This document does not clarify the existence of the extension into the roof space, rather it just confirms that the top floor as existed at that time was occupied for residential purposes.

Council Records

Camden Council Tax team have a record of Flat 9, 22 Buckland Crescent, NW3 5DX being liable for council tax from the 1st April 2008 and no records exist prior to this date. This is confirmed by evidence submitted by the applicant.

Electoral Register, indicated that Flats 1 and 2 were occupied and a number of rooms numbered from 1 to 10 were also occupied from 2001 until 2007. In 2007 it would appear that the layout of the property changed and people occupied flats 1-7 and 9 although there is no record of the location of the flats within the property, in 2008 flats 1-4, 7,8,9 where occupied, in 2009 and 2010, flats 1-9 were

occupied.

Camden's Cyclomedia shows photograph of the property taken on the 14 July 2004 and in 2007 and both photographs clearly indicates the property with basement, raised ground floor, first and second floors but no extension into the roof at this time.

Conclusion

The evidence submitted with the certificate does not confirm the existence of the roof extension four years prior to the submission of the certificate. Both leased agreement and the Council tax statement clearly indicate 2008 as the date the property was formed into a self-contained flat utilising the roof space.

Refuse to issue a Certificate.

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