

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		12/08/2010	
				<b>Consultation Expiry Date:</b>		21/07/2010	
<b>Officer</b>				<b>Application Number(s)</b>			
Jenny Fisher				2010/3198/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
77 Sumatra Road London NW6 1PT				Refer to decision letter			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Change of use from 2 non self-contained flats to a single dwelling (Class C3).							
<b>Recommendation(s):</b>		Grant planning permission with conditions					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		Site notice displayed					
<b>CAAC/Local groups* comments:</b> *Please Specify							

## Site Description

The application premises comprise two storeys within a terrace of residential properties on the west side of Sumatra Road.

Not listed, not within a conservation area. Within the Kilburn neighbourhood Renewal Area.

## Relevant History

None

## Relevant policies

### Replacement Unitary Development Plan 2006

H1 (new housing); H3 (protecting existing housing); H6 (protection of houses in multiple occupation); H7 (lifetime homes)

### LDF Core Strategy and Development Policies

*As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.*

*CS6 (provide quality homes); DP2 (make full use of Camden's capacity for housing); DP6 (lifetime homes); DP9 (housing with shared facilities)*

### Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010

came into force 6<sup>th</sup> April 2010 amended statutory provision in relation to

c) permitted development for changes of use from houses in multiple occupation to dwelling houses.

## Assessment

### Proposed

The use of the premises as a single family dwelling. The current layout of the dwelling is as two flats (one on each floor) where both floors have independent amenities i.e. kitchen, bathroom and w.c. The communal lobby gives access to various downstairs rooms and the door to the upstairs flat: consequently the occupier of the upstairs flat would have access to the entire ground floor.

### Discussion

No part of the property can be occupied wholly independently, therefore it is concluded that the planning unit is the entire property.

The applicant implies that the sub-division is a recent alteration, although the presence of amenities on both floors suggests this is unlikely. There is no planning record of the sub-division. If the sub-division occurred within the last 4 years, it is considered that the lawful use of the property might already be C3.

The applicant asserts that:

the occupier of the ground floor was a lodger;

the owner was the notional occupier of the upper floor, but has been absent in hospital for some 10 years.

The layout suggests that the property has not been occupied by a single household, so (assuming the layout is over 4 years old) it is not C3 from a planning point of view.

If the assertions of the applicant are correct, the property can be seen as having been occupied either by a single person or by an owner-occupier with a lodger. Both of these arrangements are outside the definition of an HMO in the Housing Act 2004 for our purposes, and therefore fall outside Use Class C4.

On balance it is considered that the most likely lawful use of the property is an HMO containing two non self-contained flats each of which has all amenities.

The relevant UDP policy is H6. The policy seeks to protect against the loss of HMOs of an acceptable standard, unless permanent affordable housing is created. However, supporting text in para 2.43 indicates that HMOs are considered as non self-contained units with shared facilities. In this case there is no sharing, but no further guidance is offered by the UDP.

The relevant policy in the LDF Development Policies document is DP9. This also generally protects bedsits and housing with shared facilities. Supporting para 9.19 gives explicit guidance about "properties... subdivided into flats that are not self-contained because the layout of entrance halls and staircases made self-containment difficult or costly". It states that we will not resist proposals to convert the properties into wholly self-contained flats, and will judge any loss of homes against policy DP2.

The layout of this property is exactly the type described by Development Policies para 9.19. The LDF

Development Policies are material considerations, and in this case DP9 can carry significant weight because it is in compliance with national guidance and fills a gap in UDP guidance.

With regards to the loss of one flat, UDP policy H3 and LDF Development Policy DP2 each relate to the net loss of residential floor space and the net loss of two or more homes. In this case, only one home would be lost, and all floor space would be retained. The proposal is therefore in accordance with H3 and DP2.

#### Residential standards and lifetime homes

All room sizes comply with residential standards set out in Camden Planning Guidance.

UDP policy H1 seeks the fullest possible residential use of buildings provided accommodation reaches acceptable standards.

Policy H7 requires conversions to be built to lifetime homes standards. Part M (Building regs) does not require mobility standards to be met in conversions. The proposed conversion to a single family dwelling would allow greater flexibility of the use of the property. The applicant will be encouraged by informative to apply as many of the 16 criteria as possible, although, apart from removing a door at the bottom of the stairs and a stud partition, there may not be a great deal of work required.

It is not considered reasonable to remove Permitted Development rights for the new dwelling considering that it would originally have been a single dwelling with PD rights.

#### **Recommend Approval**

#### **Disclaimer**

***This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613***