

GL/ST/P4026

10th March 2010

Old Church Court
Claylands Road
The Oval
London SW8 1NZ
Telephone: 020 7556 1500
Fax: 020 7556 1501
www.rolfe-judd.co.uk

Development Control
Planning Services
London Borough of Camden
Town Hall Extension
Argyle Street
London
WC1H 8ND

Dear Sirs

**Proposed Certificate of Lawfulness of Existing Use or Development (CLEUD) for Class C3 Use (residential) on the second floor of 143 Adelaide Road, London, NW3 3NL
Planning Portal Ref: PP- 00993372**

We write on behalf of our clients, Gas Springs Ltd, regarding the submission of a CLEUD at the above property. Gas Springs Ltd owns the property and is seeking a lawful use certificate for the residential accommodation on the second floor.

This application is accompanied with the following information:

- Forms
- Site location plan
- Floor plans
- Statutory fee of £335.00
- Council Tax information
- VOA information
- Marketing Particulars dated 2008

Site and Location

The application site is situated on Adelaide Road and lies between the tube stations of Chalk Farm and Swiss Cottage in North/North West London. The application site is located on the corner of Adelaide Road and Elsworthy Road.

The property is not listed nor is it located in a conservation area.

The area is predominately residential with multi-storey public housing north of the site and low three storey circa 1970's housing to the west and east. It is considered that the immediate surrounding comprises an eclectic mix of styles, ages and types of housing.

Local amenities can be found in the adjacent neighbourhood of Belsize Park which is located approximate 200m away. More substantial neighbourhoods though further in distance of Chalk Farm, Swiss Cottage and Primrose Hill are also assessable via an easy walk.

London Borough of Camden
10th March 2010

The overall site measures 779sq m with the area of the existing building on the site to be approximately 500 sq m.

Current Use

The site includes a basement, ground and two storey detached building on a corner site. There is a two storey side extension and a single storey rear extension which includes a glazed conservatory.

The ground and first floor is primarily Public House (Class A4) and a five bedroom self contained residential unit on the second floor. This self contained unit measures 182 sq m and includes the staircase from the first floor to the second floor that is only used by the occupiers of this residential unit. The self contained unit has a separate access from the rear of the building and demonstrates that its use is not associated with the public house.

The pub has been vacant for approximately 18 months although the residential flat is occupied. The first floor has occasionally been used as a venue for private parties in the past.

Our client was not made aware at the time of purchasing the property that the residential unit on the second floor was unlawful and not subject to a planning permission of a change the use from accommodation relating to a hotel (Class C1) to a residential unit (Class C3).

This application seeks to confirm the lawful use of the second floor to be residential accommodation comprising of 6 rooms on the second floor of this property.

Section 171B (2) of the Town and Country Planning Act 1990 states that

"Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach".

This application for a CLEUD seeks to demonstrate through documental evidence that the established accommodation on the second floor of this property has been in use as residential Class C3 for more than 4 years.

Planning History

The Council's online records for the site date back to 1950 where permission was granted for alterations to the elevations to the first floor level at the then known "Eton Hotel" (planning ref: H8/11/1/679). Record of an application to alter the roof of the building to a flat roof with parapet in 1953 also acknowledges the premises as a "hotel". Permission was then granted on 9th August 1954 for alterations to "Eton Hotel Public House" (planning ref: H8/11/1/9489). It is therefore clear that the building was once a hotel in its entirety at least up until August 1954 and then became a combination of a hotel on the upper levels and a public house on the ground floor thereafter.

An application for a two storey and single storey extensions were granted permission in 1983 (planning ref: H8/11/1/36877) again under the application address of "Eton Hotel".

In 1993 advertisement consent (planning ref: H8/11/1/36877) was granted for a total of 6 signs at the premises. The new name of the premises for this application is referred to as "The Viceroy Public House". It is therefore considered that around this time the hotel use was abandoned and the site was rebranded as a "public house" only. This coincides with VOA records that show Council Tax dating back to 1993 was paid with regards to the residential accommodation on the

London Borough of Camden
10th March 2010

top floor of the property above the public house use.

Further details of the Council Tax records regarding this property are considered further on in this letter.

Council Tax

VOA online records show that Council Tax payments were first effective from 1st April 1993. Please find attached email confirmation from the VOA department which confirms this data and confirms the internal size (182 sq m) and location of the unit within the building.

Council Tax has continued to be paid on the Band E residential accommodation on the second floor of the property from 1993 until the present day. Please find attached a Council Tax bill from Camden dated for the financial year 2009/2010 clarifying the continuous payments made.

It is clear from evidence from Camden Council and the VOA that Council Tax has continuously been paid for the 5 bedroom unit on the second floor of the property for the last 17 years.

Marketing Evidence

When the leasehold of the property was advertised in 2008 Davis Coffey Lyons marketed the lease on behalf of the owners. Please find attached a copy of the marketing particulars for the property and details the 5 bedroom accommodation as one of the main selling points.

It is clear that the residential accommodation at second floor level is an established feature of the overall property.

Summary and Conclusion

This application for a CLEUD seeks confirmation that the existing use of the second floor of 143 Adelaide Road is residential (Class C3).

The site includes a basement, ground and two storey detached building on a corner site. The ground and first floor is primarily Public House (Class A4) and the five bedroom self contained residential unit (182 sq m) on the second floor. The self contained unit has a separate access from the rear of the building and demonstrates that its use is not associated with the public house.

Extensive planning history from the Council's online records demonstrates that the premises had historically contained an element of hotel use up until at least 1993 when it then became a public house only. At this time records show that Council Tax was paid on the accommodation on the first floor and above (which was once the hotel accommodation). Confirmation from the VOA and Camden Council acknowledge that Council Tax for a Band E property has been paid for 17 years on the 5 bedroom residential unit on the second floor since at least the 1st April 1993.

It is considered that on the balance of the evidence provided that the lawful use of the second floor is Class C3.

Taking into consideration the evidence submitted as part of this application for a CLEUD we consider that sufficient evidence has been provided to determine this application and look forward to hearing from you soon.

If you seek any further clarification or information please do not hesitate to contact us.

London Borough of Camden
10th March 2010

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a horizontal line and a small dot.

Grace Liu
Rolfe Judd Planning

cc Dan Kattan

KYR London