

<b>LDC Report</b>		30/12/2009
<b>Officer</b>		<b>Application Number</b>
Bethany Arbery		2009/4916/P
<b>Application Address</b>		<b>Drawing Numbers</b>
17 College Crescent, London, NW3 5LL		Refer to draft decision notice.
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b>		
Conversion of 9 non self-contained residential units (9 bedsits with shared bathrooms) (HMO) and two self-contained flats (Class C3) to 9 self-contained studio flats and 1 self-contained flat (Class C3).		
<b>Recommendation: Refer to Draft Decision Notice</b>		
<b>Assessment</b>		
<p><b>Site</b></p> <p>The application site is 17 College Crescent which is located on the east side of the street between its junctions with Buckland Crescent and Belsize Park. The building comprises basement, ground and 3 upper floors. The basement and ground floor are in use as 2 self-contained flats and the upper floors are in use as an HMO with 9 non-self contained units who share bathrooms. The building is not listed, but is located within the Belsize Park conservation area.</p> <p><b>Planning History</b></p> <p><b>9501440</b></p> <p>Planning permission was refused on 25/01/96 for Conversion of first, second and third floors into three self-contained one-bed flats, and the reconstruction of existing four storey rear extension in an enlarged form to provide 5 storey rear extension.</p> <p>The application was refused on the grounds that it would result in the loss of existing residential accommodation of a type which the Council considered should be retained in this area. It was also considered that the rear extension by reason for its bulk and height would harm the conservation area.</p> <p><b>PW9605126</b></p> <p>Planning permission was refused on 05/03/97 for conversion of first and second floors from non-self contained accommodation into two self contained flats, together with the erection of a four storey extension.</p> <p>The application was refused on the grounds that it would result in the loss of existing residential accommodation of a type which the Council considered should be retained in this area. It was also considered that the rear extension by reason for its bulk and height would harm the conservation area. An appeal was lodged against the decision and was dismissed on 17/11/97.</p> <p>There is no dispute between the Council and the applicant as to the existing use of the building. The statutory declaration submitted as part of the application clearly states that with the exception of the 2</p>		

self-contained flats the remaining part of the building is in use as residential accommodation with shared bathroom facilities. Each of the 9 bedsits has its own cooking and sleeping facilities behind a locked door, but the bathroom facilities are located off the shared landings.

There has over the years been some debate as to whether the conversion of a house in multiple occupation to self-contained flats constitutes a material change of use. The following advice has been offered in this respect. The fact that both the existing and proposed use are broadly residential in character should not lead us to conclude that no material change of use is occurring. What is material is the actual use to which the building would in practice be put to, if it can be anticipated that there would be practical and tangible difference in the way a building would be used it would be proper to conclude that a material change of use was involved. The view of the Council has consistently been that the change from an HMO (Sui Generis) to self-contained flats is a material change of use, as is clearly evident from the planning history of this property and indeed its own UDP policies. The planning enforcement team have served numerous notices against alleged breaches of planning control where HMOs have been converted into self-contained flats. These have been upheld at appeal (e.g. 44 Glenloch Road, 41 Christchurch Hill). On the basis of this it is considered that the proposal involves a material change of use and therefore the certificate of lawfulness should be refused.

Planning permission would be required to convert the accommodation to self contained flats. Policy H6 of the Unitary Development Plan 2006 states that the Council will not grant planning permission for a change of use or conversion that would result in the loss of housing in multiple occupation of an acceptable standard unless it is replaced by permanently available affordable housing.

**Recommendation:** Refuse certificate.

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