

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>03/11/2006</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>06/10/2006</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Elaine Quigley				2006/3370/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
4 Sandwich Street London WC1H 9PL							
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		<b>Date:</b>		
<b>Proposal(s)</b>							
Certificate of lawfulness application for an existing use as four self-contained flats.							
<b>Recommendation(s):</b>		To refuse certificate of lawfulness for existing use					
<b>Application Type:</b>		Certificate of Lawfulness (Existing)					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>10</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>		1 letter of objection was received from adjoining resident at 3 Sandwich Street that raised objection to the provision of 4 flats in the building rather than 2 which is considered more appropriate.					
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>		None requested					

## Site Description

The application site is located on the east of Sandwich Street and comprises a four storey property with basement that is occupied by residential units. The site is within the Bloomsbury Conservation Area.

## Relevant History

There is no relevant planning history associated with this property.

## Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

None required

## Assessment

The application seeks to demonstrate the lawfulness of the existing use of the building as four separate self-contained flats. The applicant must demonstrate that the property has been used for four or more years in this manner in order to be exempt from enforcement action and therefore lawful. The relevant test is 'on the balance of probability'.

The evidence submitted is as follows:

- A site location plan outlining the boundary of the site
- Layout plan drawing showing the layout of each of the four flats
- Existing elevation drawing of the front and rear elevation of the building
- A letter from Camden Electoral Registration and Elections Office dated 6 September 2006 confirming that address is registered as three separate residences; Flat A, Flat B, and Flat C. It also advises that the address first appeared on the Camden Electoral Register as three separate flats in February 1997.
- A letter from Fresson & Tee Surveyors dated 21 July 2006 advising that the property has been used in its entirety as four individual flats in basement, ground floor and three upper floors. It states that the applicant purchased the property as four flats in September 1993
- A letter from the letting agents (Apartment Services) confirming that they have administered the letting of the property as 2 bedroom maisonette, 2 studio flats and 2 bedroom flat from 1993 to June 2006.
- Faxed copy of extracts from the Valuation Office dated 30 April 1996 detailing Council tax band values of Flat 4A, 4B and 4C Sandwich Street

The Council tax valuation list was checked (see attached print out dated 01/11/2006) and it shows that three flats within the building are registered as paying Council Tax. The Valuation Office information submitted with the application also confirms this. However no information has been submitted by the applicant to demonstrate the claim that there are four residential flats within the building.

None of the evidence is conclusive in respect of the building being occupied as four separate flats or that the occupancy has been continuous for the last four years. The application should therefore be refused as not proven on present evidence. An informative is included to advise as to the evidence that should be sought before submitting further applications.

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