

**48 LOVERIDGE ROAD  
LONDON, NW6 2DT**

**SUPPORTING STATEMENT**

**IN RELATION TO AN APPLICATION FOR A  
CERTIFICATE OF LAWFULNESS OF EXISTING USE  
OR DEVELOPMENT**

**JULY 2014**

**CONTENTS**

<b><u>Section</u></b>		<b><u>Page No.</u></b>
1.0	Introduction	1
2.0	The Application Site	2
3.0	Evidence of Use	4
4.0	Conclusions	14

## **1.0 INTRODUCTION**

- 1.1 This Supporting Statement has been prepared in support of an application for a Certificate of Lawfulness of Existing Use or Development ('CLEUD') which seeks confirmation of the lawfulness of a flat on the first floor of 48 Loveridge Road, London, NW6 2DT.
- 1.2 Our client purchased the rear flat (variously referred to as 'First Floor Rear' or 'Flat 1a') in late 2011 / early 2012.
- 1.3 It is one of two flats on the first floor of 48 Loveridge Road which, at some earlier point in the past, was a single flat.
- 1.4 This Supporting Statement provides evidence to demonstrate that the rear flat on the first floor of 48 Loveridge Road has been used as a self-contained dwellinghouse for more than four years (and by consequence that there have been two separate flats on the first floor of 48 Loveridge Road for more than four years).

## 2.0 THE APPLICATION SITE

- 2.1 The site subject of this application (**Figure 2.1**) is the first floor of the property known as 48 Loveridge Road, London, NW6 2DT.

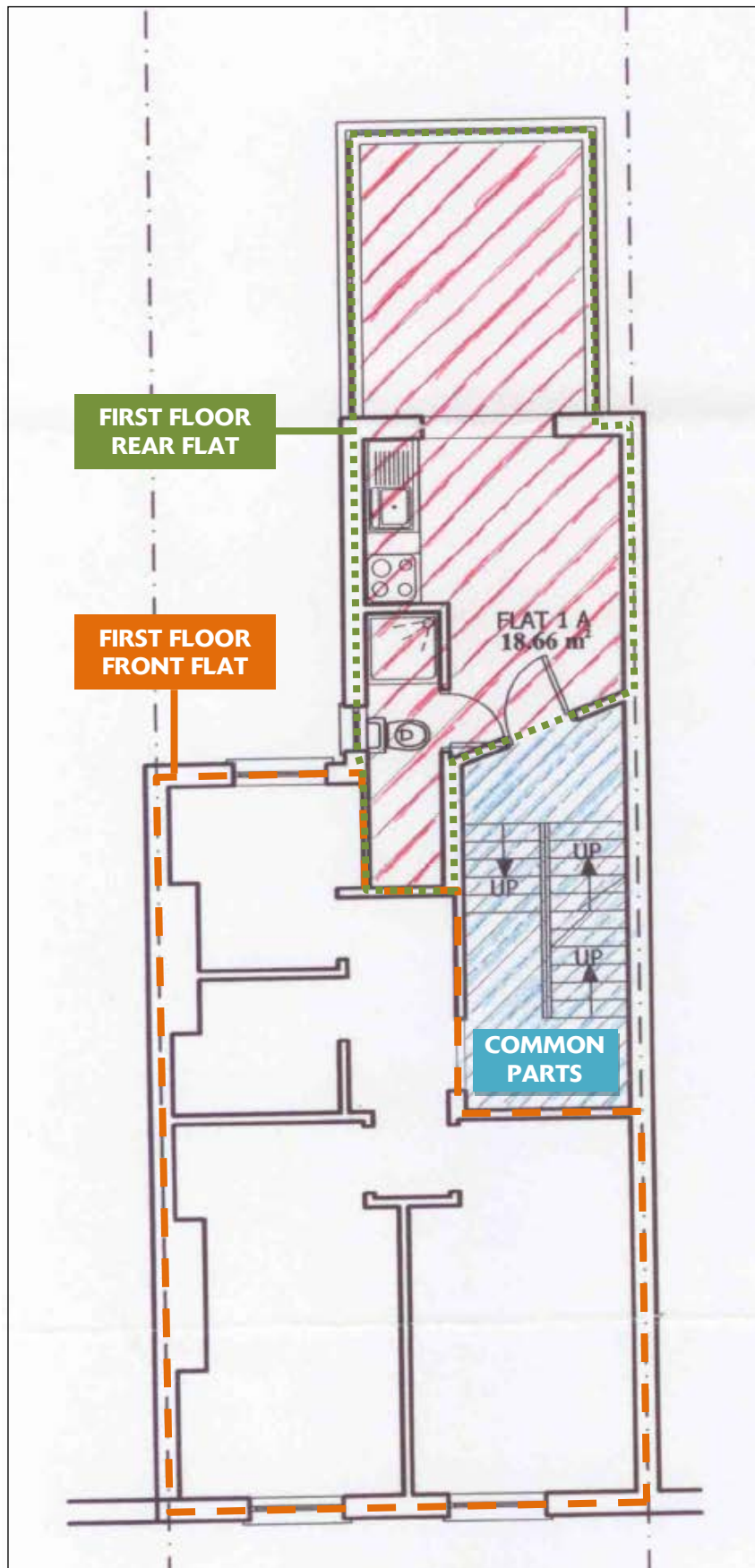
**Figure 2.1 – Site Location**



Source – Promap. Ordnance Survey © Crown Copyright 2014. All rights reserved. Licence number 100022432. Not to Scale.

- 2.2 **Figure 2.2** (on the following page) is an extract from a lease plan showing the extent of the two flats on the first floor of this property. The rear flat – the property owned by our client – is a studio flat or ‘bedsitter’ with a separate toilet / shower room. The front flat has four rooms.

Figure 2.2 – Annotated Extract from Lease Plan Showing Extent of the First Floor Flats (Plan Undated on Lease; Not to Scale)



### 3.0 EVIDENCE OF USE

3.1 In terms of proving the lawfulness of an existing use or development, the courts held in *Gabbittas v Secretary of State for the Environment* [1985] JPL 630 that the relevant test of the evidence on such matters is ‘the balance of probability’. It has also been held by the courts that the applicant’s own evidence does not need to be corroborated by ‘independent’ evidence in order to be accepted. If the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate ‘on the balance of probability’.<sup>1</sup>

3.2 We have looked at a variety of records to establish the length of time that the separate flats have existed. These include independent public records as well as documentation provided by our client.

#### Council Tax Records

3.3 The two flats subject of this application were, at one time, a single flat on the first floor of 48 Loveridge Road. Council Tax records show that the entry for the single flat, “Flat 1<sup>st</sup> FLR 48, Loveridge Road, London, NW6 2DT”, was deleted.

3.4 In place of that entry are two separate entries showing that there are two flats on the first floor of 48 Loveridge Road (see **Figure 3.1** and **Figure 3.2**).

3.5 Both of the entries are dated as having effect from 20 December 2007, indicating that two separate flats have existed on the first floor over six years.

**Figure 3.1 – Council Tax Record for First Floor Flat Front**

Council Tax band details					
FLAT 1ST FLR FNT 48, LOVERIDGE ROAD, LONDON, NW6 2DT					Last update on 30/03/2014
Local authority reference number	Council Tax band	Improvement indicator	With effect from	Mixed use property	Court code
5148203	B		20/12/2007	No	

Source – [www.voa.gov.uk](http://www.voa.gov.uk)

**Figure 3.2 – Council Tax Record for First Floor Rear**

Council Tax band details					
FLAT 1ST FLR RR 48, LOVERIDGE ROAD, LONDON, NW6 2DT					Last update on 30/03/2014
Local authority reference number	Council Tax band	Improvement indicator	With effect from	Mixed use property	Court code
5148204	C		20/12/2007	No	


Source – [www.voa.gov.uk](http://www.voa.gov.uk)

<sup>1</sup> Moore, V (2010) *A Practical Approach to Planning Law*. Oxford: Oxford. (Paragraph 21.178)

## Land Registry Records

- 3.6 A copy of the Register of Title dated 26 October 2006 (**Figure 3.3**) indicates that a change was made to the demised area on the first floor of 48 Loveridge Road on 26 October 2006. The change was the introduction of Flat 1A (see **Figure 3.3 (b)**).

**Figure 3.3 (a) – Copy of Register of Title (Page 1 of 3)**

Land Registry

Official copy  
of register of  
title

Title number 390113

Edition date 26.10.2006

- This official copy shows the entries on the register of title on 16 OCT 2013 at 13:05:11.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 16 Oct 2013.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or Land Registry Public Guide 1-A guide to the information we keep and how you can obtain it.
- This title is dealt with by Land Registry, Croydon Office.

### A: Property Register

This register describes the land and estate comprised in the title.

CAMDEN

1 (09.07.1930) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 48 Loveridge Road, London (NW6 2DT).

### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

#### Title absolute

1 (06.02.2006) PROPRIETOR: NASRIN ESPAHANIHA of 48 Loveridge Road, Hampstead, London NW6 2DT.

2 (06.02.2006) The price stated to have been paid on 6 December 2005 was £55,000.

3 (06.02.2006) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

### C: Charges Register

This register contains any charges and other matters that affect the land.

1 A Conveyance of the land in this title and other land dated 31 July 1878 made between (1) The British Land Company Limited (Vendors) and (2) John Edwards (Purchaser) contains the following stipulations:-

Nothing shall be erected within 10 feet of any Road except fences and those not more than 6 feet high. No house shall be erected on any Lot

1 of 2

Figure 3.3 (b) – Copy of Register of Title (Page 2 of 3)

Title number 390113

### C: Charges Register continued

of less value than £350 except semi-detached Villas and those not of less value than £600 a pair. The value of a house or a pair of houses is the amount of its net first cost in materials and labour of construction only estimated at the lowest current prices.

No building shall be erected as a shop warehouse workshop or factory and no trade or manufacture shall be carried on and no operative machinery shall be fixed or placed upon any Lot.

- 2 (12.08.2005) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto. The leases grant and reserve easements as therein mentioned.

### Schedule of notices of leases

1	12.08.2005	Ground Floor Flat	21.06.2005 125 years from 1.1.1989	NGL851550
2	16.08.2005	Second Floor Flat 2	05.07.2005 125 years from 1.1.1989	NGL851677
3	20.10.2005	First Floor Flat 1	29.9.2005 125 years from 1.1.1989	NGL854468

A Deed dated 4 September 2006 made between (1) Bijan Sheibani and (2) Mill Hill Properties rectified the extent demised by the lease. As rectified the lease now includes the land edged red on the title plan.

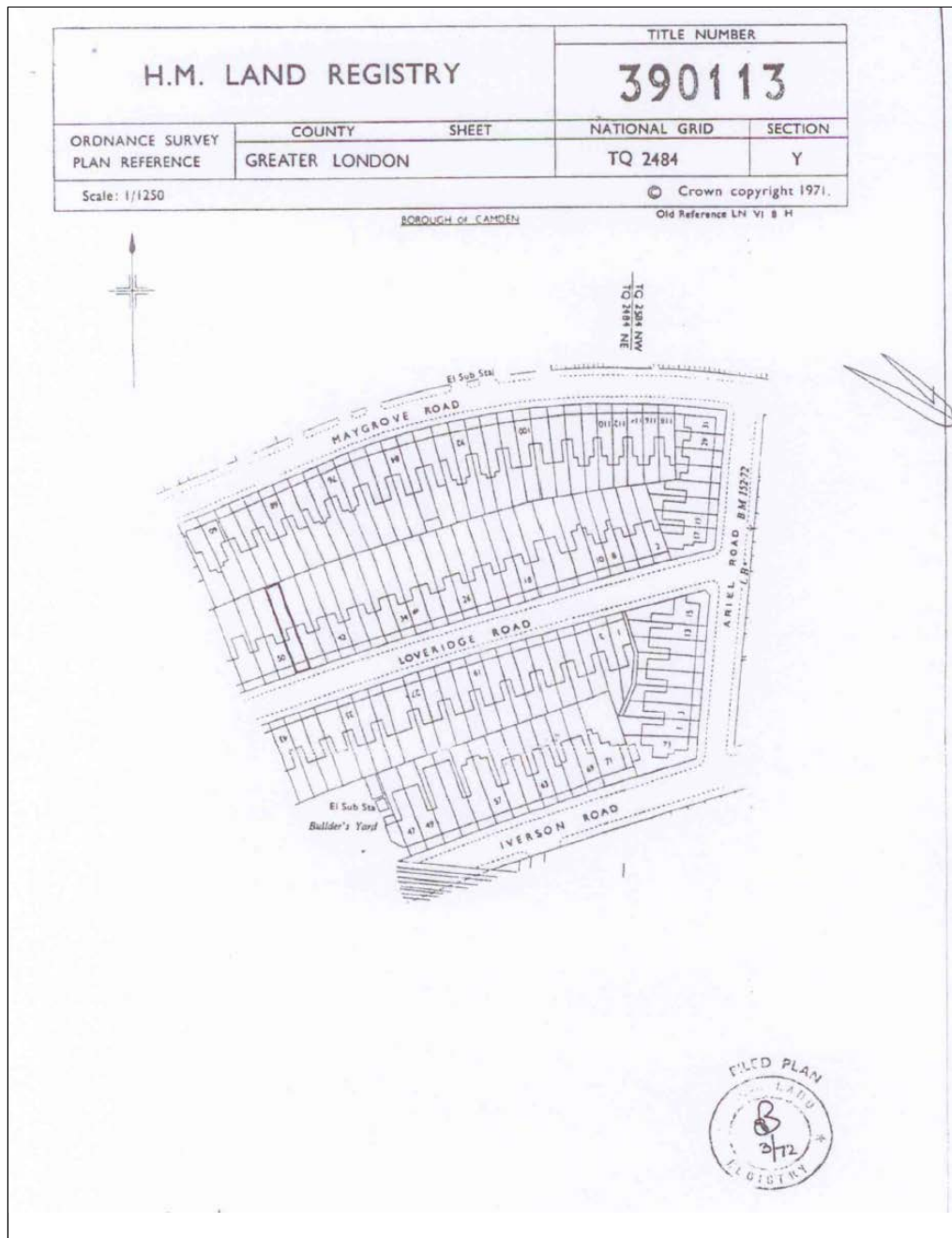
*NOTE: Copy Deed filed under NGL854468.*

4	6.6.2006	Third Floor Flat	6.12.2005 125 years from 1.12.2005	NGL858679
5	26.10.2006	First Floor Flat 1A	15.6.2006 125 years from 1.1.1989	NGL871453

End of register



Figure 3.3 (c) – Copy of Register of Title (Page 3 of 3)

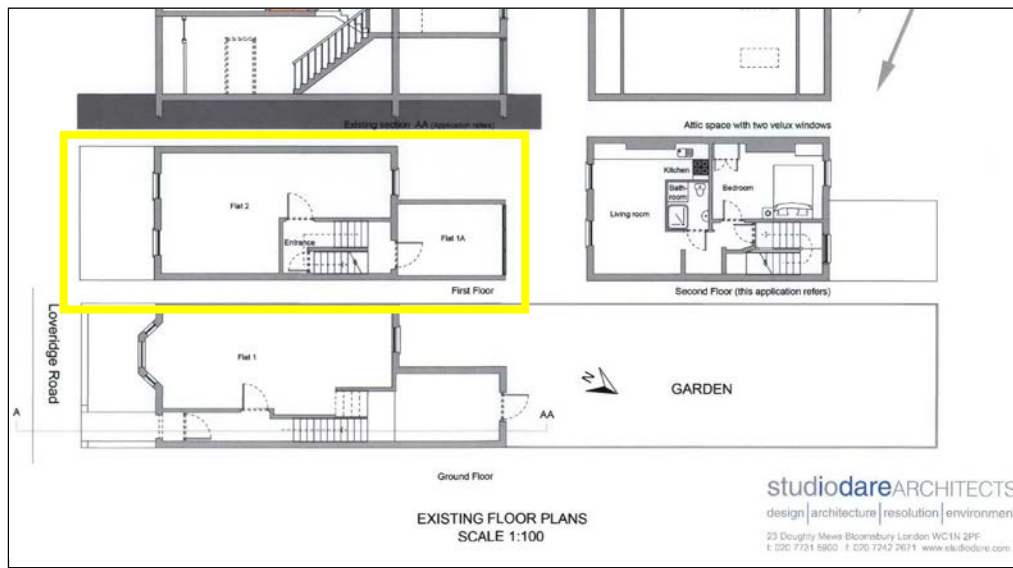


3.7 Based on this information it appears that the change from one flat on the first floor of 48 Loveridge Road to two flats occurred on or before June 2006. As noted earlier, this change does not appear on the Council Tax records until December 2007, however.

## Planning Records

- 3.8 We have been unable to find any records on the Council's planning register relating to the creation of two flats on the first floor of 48 Loveridge Road, hence this application for a CLEUD.
- 3.9 Another planning submission shows the existence of two separate flats at first floor level, however.
- 3.10 Planning application 2010/3368/P was registered on 30 June 2010 and sought permission for "Erection of rear dormer and two velux rooflights on front roofslope of residential building (Class C3)". This application related to Flat 3 which is the uppermost flat in the building.
- 3.11 On page 5 of the Design and Access Statement, prepared by Studiodare Architects and dated 22 June 2010, shows that at that time there were two flats on the first floor – Flat 1A (the rear flat) and Flat 2 (the front flat). An extract from the Design and Access Statement is below (**Figure 3.4**).

**Figure 3.4 – Extract from Design and Access Statement dated 22 June 2010**



Source – London Borough of Camden

**Other Evidence – Landlord’s Certificates**

3.12 When purchasing the first floor rear flat in late 2011 / early 2012, our client was provided with a number of documents. These include an Energy Performance Certificate (**Figure 3.5**) which refers to “Flat 1A” and which is dated 30 January 2008. The second is a Gas Safety Record (**Figure 3.6**), completed by a CORGI-registered operative and dated 26 April 2008. This document refers to “1A Rear 1st Floor Flat”. It also notes that this flat is a “bedsitter” (ie a flat with a single room used for sitting and sleeping in) and that both the boiler and cooker were in that room.

**Figure 3.5 – Energy Performance Certificate**

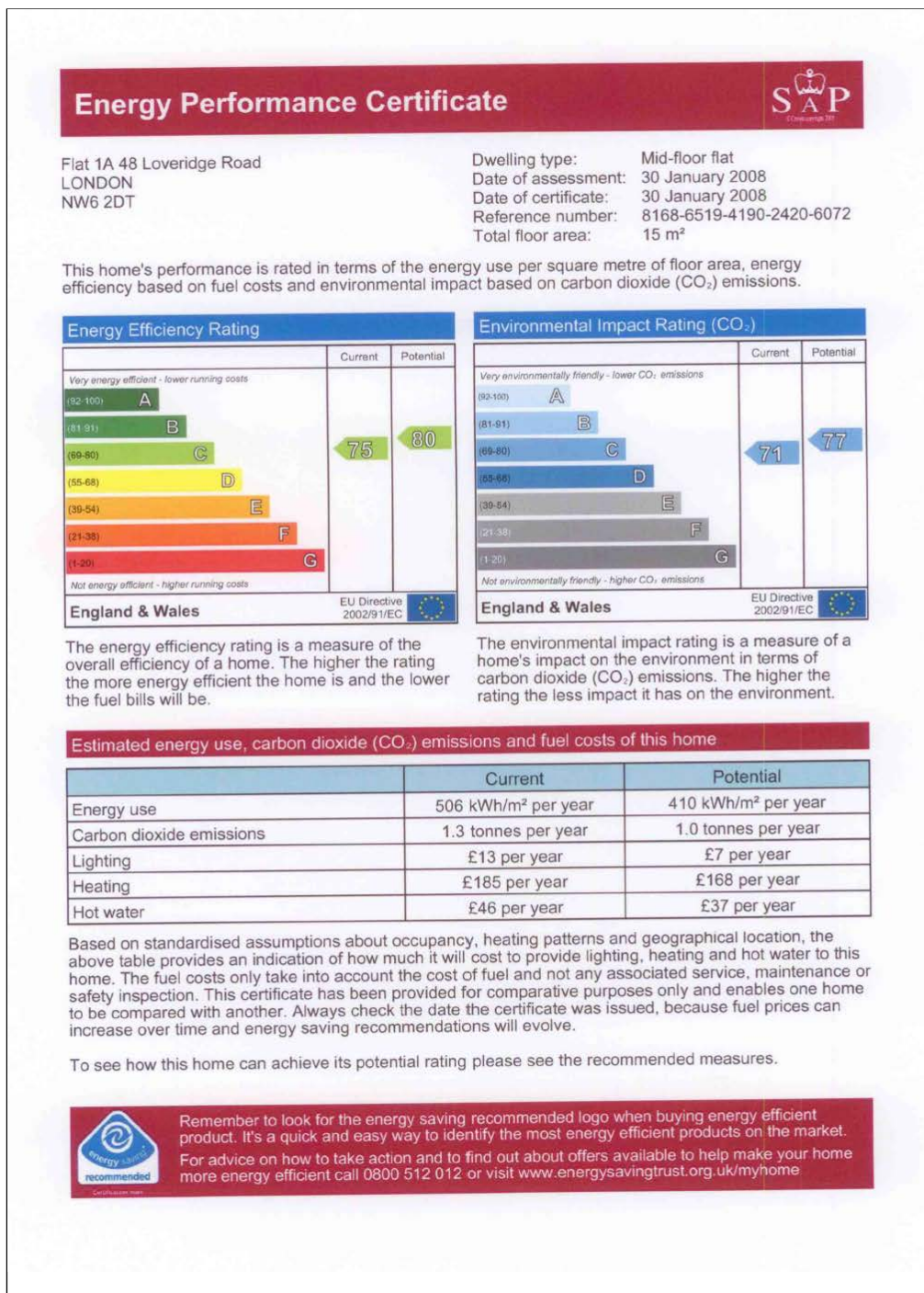


Figure 3.6 – Gas Safety Record

Copyright © CORGI January 2007. The format and layout of this document may not be reproduced in any manner without the prior written consent of CORGI.

To confirm the validity of the gas operative please contact CORGI on 0870 401 2500 or www.trustcorgi.com

LANDLORD/HOME OWNER GAS SAFETY RECORD

This inspection is for gas safety purposes only in accordance with The Gas Safety (Installation and Use) Regulations. Flues were inspected visually and checked for satisfactory evacuation of products of combustion. A detailed internal inspection of the flue integrity, construction and lining has not been carried out.

**Registered Business Details**  
 Gas operative: AMINAR KHAN  
 CORGI ID card serial No.: 80642902  
 Company: FASIBOARD  
 Address: 21 WEST ELLA ROAD  
LONDON  
 Postcode: NW10 9PT Tel No.: 961-5735

**Job Address**  
 Name (Mr/Mrs/Miss/Ms): UNDEVELOPED  
 Address: 1A BEAR ISLE FLOOR FLAT  
48 LOVERIDGE ROAD  
WEST HAMPTSTEAD,  
LONDON.  
 Postcode: NW6 2DT Tel No.: -

**Landlord (or where appropriate their agent)**  
 Name (Mr/Mrs/Miss/Ms): FARUK CONTRACTORS  
 Address: 40 DEAYCOTT AV,  
HARLOW,  
MIDSEX.  
 Postcode: HAS 084 Tel No.: 075830 9938

APPLIANCE DETAILS			INSPECTION DETAILS											
Location	Appliance type	Make	Model	Flue type CF/RS/FL	Landlord's appliance (if applicable) Yes/No/NA	Appliance inspected Yes/No	Combustion analyser reading (if applicable)	Operating pressure in mbar, or Btu/h kW/h or Btu/h	Safety device(s) correct operation Yes/No/NA	Ventilation provision satisfactory Yes/No	Visual condition of flue and termination satisfactory Yes/No/NA	Flue performance checks Pass/Fail/NA	Appliance serviced Yes/No	Appliance safe to use Yes/No
1	COMBI BOILER	THE WHITE STAR	RAVENHEAT WHITE STAR	RS.0	YES	YES	NOT CHECK	12.0	YES	YES	YES	NA	NO	YES
2	STANDING COOKER	BEKO	S9.572	FL	YES	YES	NA	24.0	YES	YES	NO	NA	NEW	YES
3														
4														
5	GAS METER QUARTERLY PAID OUT SIDE THE FLAT NEWLY INSTALLED METERS ZERO READING.													
DEFECT(S) IDENTIFIED														
1	NIL													
2	NIL													
3														
4														
5														
REMEDIAL ACTION TAKEN														
NIL														
NEXT SAFETY CHECK DUE WITHIN 12 MONTHS														

Gas installation pipework satisfactory visual inspection Yes/No: NIL  
 Emergency Control accessible Yes/No: NIL  
 Satisfactory gas tightness test Yes/No/NA: NIL  
 Equipotential bonding satisfactory Yes/No: NIL

This Safety record is issued by: Signed: [Signature] Print name: AMINAR KHAN  
 Received by: Signed: \_\_\_\_\_ Tenant/Landlord/Agent/Home Owner  
 Date: 26/04/2008 Number of appliances tested: 2

Key: Top Copy – Landlord/Managing Agent/Home Owner Green Copy – Tenant Yellow Copy – Registered Business \* Refer to separate Warning/Advice Notice To re-order quote Ref. CP12

## Marketing Information

- 3.13 The property marketing website 'Zoopla' has an archive of transactions over the past few years. It refers to the property as "1a, 48 Loveridge Road". It can be concluded that this is the rear first floor flat because it refers to the flat as being a studio.
- 3.14 The oldest Zoopla record dates from September 2010 and advertises the flat for rent (Figure 3.7).

Figure 3.7 – Zoopla Record from 2010



Source - [www.zoopla.co.uk](http://www.zoopla.co.uk)

- 3.15 A record from July 2011 (Figure 3.8) advertises the flat for sale (as noted above our client bought the flat in late 2011 / early 2012).

Figure 3.8 – Zoopla Record from 2011




Source - [www.zoopla.co.uk](http://www.zoopla.co.uk)

- 3.16 Other records (Figure 3.9 and Figure 3.10) advertise the flat for rent in 2012 and 2013.

Figure 3.9 – Zoopla Record from 2012

Property history of 1a, 48 Loveridge Road, London NW6 2DT, 18th Aug 2012

Previously listed for rent on 18th Aug 2012  
£953 pcm - Flat



Start photo slideshow    < 1 of 2 >    Picture 1

Property description  
A well presented studio apartment situated in period property on quiet residential street close to Kilburn underground station.


Previously marketed by  
[Kinleigh Folkard & Hayward - Belsize Park](#) (view all property to rent)  
38 England's Lane, Belsize Park, NW3 4UE

Source - [www.zoopla.co.uk](http://www.zoopla.co.uk)

Figure 3.10 – Zoopla Record from 2013

Property history of 1a, 48 Loveridge Road, London NW6 2DT, 25th May 2013

Previously listed for rent on 25th May 2013  
£975 pcm - Flat



1 of 1 Exterior

**Property info**

- [EPC](#)
- [EPC](#)
- Furnished

**Property features**

- Studio room
- Bathroom with shower
- Period conversion
- Close to station
- Furnished
- Available 19th June 2013

**Property description**

A well presented studio apartment situated in period property on quiet residential street close to Kilburn underground station.

Previously marketed by

[Kinleigh Folkard & Hayward - West Hampstead](#) ([view all property to rent](#))  
199a West End Lane, London, NW6 2LJ

Source - [www.zoopla.co.uk](http://www.zoopla.co.uk)

## 4.0 CONCLUSIONS

- 4.1 This Supporting Statement has been prepared in support of an application for a Certificate of Lawfulness of Existing Use or Development which seeks confirmation of the lawfulness of two flats on the first floor of 48 Loveridge Road, London, NW6 2DT.
- 4.2 The two flats were previously one flat which was sub-divided to create a one-bedroom flat (four rooms) at the front of 48 Loveridge Road and a studio flat (or 'bedsitter') with two rooms (a studio room and a toilet / shower room) at the rear of 48 Loveridge Road.
- 4.3 We have analysed a number of public records and documents within our client's possession. These show that:
- the **Land Registry** record for 48 Loveridge Road was amended on **26 October 2006** to reflect the creation of Flat 1a;
  - the two flats on the first floor were separately registered for **Council Tax on 20 December 2007**;
  - an **Energy Performance Certificate** for Flat 1a was issued on **30 January 2008**;
  - a **Gas Safety Record** from **26 April 2008** describes Flat 1a as the rear flat and as a "bedsitter";
  - there is information on the Council's **planning applications records** which indicates that there were two flats on the first floor of 48 Loveridge Road on **22 June 2010**; and
  - **marketing information** shows the marketing of Flat 1a for residential use in **2010, 2011, 2012 and 2013**.
- 4.4 There are therefore four different sources of information demonstrating that Flat 1a (the rear flat) existed on or before 26 April 2008, ie for approximately six years, as a separate entity to the front flat.
- 4.5 Subsequent information demonstrates that Flat 1a has been marketed for residential purposes since that time. The uninterrupted registration of the property for Council Tax since 2007 also demonstrates that residential is the uninterrupted planning use.
- 4.6 We therefore conclude that Flat 1a has existed and been in continuous residential use for more than four years.
- 4.7 We respectfully request, therefore, that the London Borough of Camden issues a Certificate of Lawfulness which confirms that the two separate flats on the first floor of 48 Loveridge Road (First Floor Rear and First Floor Front) are separate, lawful Class C3 units.