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Development Management
Camden Town Hall Extension
Argyle Street
London WC1H 8EQ

Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended

by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.

If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	<input type="text" value="Mr"/>	First Name:	<input type="text" value="DANIEL"/>	Surname:	<input type="text" value="AUSTIN"/>
Company name:	<input type="text"/>				
Street address:	<input type="text" value="PRIMROSE LOFT"/>				
	<input type="text" value="42 ELSWORTHY ROAD"/>				
	<input type="text"/>				
Telephone number:	<input type="text"/>				
Mobile number:	<input type="text"/>				
Town/City:	<input type="text" value="London"/>				
Fax number:	<input type="text"/>				
Country:	<input type="text"/>				
Email address:	<input type="text"/>				
Postcode:	<input type="text" value="NW3 3DL"/>				
Are you an agent acting on behalf of the applicant?	<input checked="" type="radio"/> Yes <input type="radio"/> No				

2. Agent Name, Address and Contact Details

Title:	<input type="text" value="Mr"/>	First Name:	<input type="text" value="DOUGLAS"/>	Surname:	<input type="text" value="KING"/>
Company name:	<input type="text"/>				
Street address:	<input type="text" value="81 ASHMOLE STREET"/>				
	<input type="text"/>				
Telephone number:	<input type="text" value="07801273413"/>				
Mobile number:	<input type="text"/>				
Town/City:	<input type="text" value="LONDON"/>				
Fax number:	<input type="text"/>				
Country:	<input type="text"/>				
Email address:	<input type="text"/>				
Postcode:	<input type="text" value="SW8 1NF"/>				
	<input type="text" value="DRJKING1@GMAIL.COM"/>				

3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House: Suffix:

House name:

Street address:

Town/City:

Postcode:

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:

Northing:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? Yes No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: First name: Surname:

Reference:

Date (DD/MM/YYYY): (Must be pre-application submission)

Details of the pre-application advice received:

Mr King (the agent) spoke with Mr Marfleet on 9th August 2016, who advised that based on the information disclosed on the telephone call (where it was set out the property had been converted at least 10 years ago and that the council tax banding stated it was effective from 1993), he felt that provided evidence could be provided to support this that the conversion appeared to meet the requirements for granting a certificate of lawfulness.

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land: a) Owner b) Lessee c) Occupier d) Other

6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you? Yes No

7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

- An existing use
- An existing operation
- An existing use, operation or activity in breach of a condition

Being a use, operation or activity in effect on the date of this application.

7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

Use Classes:

8. Description of Use, Operation or Activity

Describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates:

The property, 31 Rochester Road, is a residential dwelling that was divided into two self-contained flats approximately 40 years ago by a previous owner, namely:

- 31 Rochester Road (upper maisonette) and
- 31A Rochester Road (lower ground self contained flat).

We are not aware of the exact date the conversion occurred, however, we have a statutory declaration stating this occurred approx. 40 years ago. The property is recorded at land registry on the same title and was acquired by Mr Daniel Austin and Mr Paul Stevens in December 2015.

We are requesting a certificate of lawfulness for the historic conversion into two separate dwellings.

9. Grounds For Application For A Lawful Development Certificate

Under what grounds is the certificate being sought:

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought for a use, operation, or activity in breach of a condition or limitation, please specify the condition or limitation that has not been complied with:

Reference number: Condition number: Date:

Please state why a Lawful Development Certificate should be granted:

The property 31 Rochester Road was originally a single dwelling house before it was converted by the previous owner's family into two separate self-contained dwellings (a lower ground flat, 31A Rochester Road, and an upper maisonette, 31 Rochester Road).

As far as we are aware, no planning permission for the work was obtained, however, we are informed that the work took place many years ago (approximately 40 years - refer to supporting statutory declaration from the previous owner). The evidence accompanying this application demonstrates clearly that the two dwellings have been in existence for more than the 4 year period for residential use and the evidence shows that 31A has been classified on the Council Tax valuation since April 1993 (more than 23 years ago).

The supporting evidence is as follows:

- 1) Council tax banding - there are two separate council tax bands for the dwellings:
 - 31A is shown on the Directgov website as being effective as band D since 01/04/1993 with the local authority reference number 5078181;
 - 31 Rochester Road has a separate local authority reference number 5040542 and a separate band F.Please refer to supporting attachment.

In addition, separate council taxes are being paid for the two properties (evidence can be provided from the tenants to verify this if necessary).

- 2) Statutory Declaration from the previous owner: this was obtained on the purchase of the property to confirm that the conversion took place more than 10 years ago. The previous owner, Mr Rucco, states that he has had personal knowledge of the property for more than 40 years and that the conversion occurred approximately 40 years ago. Please refer to supporting attachment.

- 3) Electoral roll: we have visited the Holborn Archive Library to view the historic electoral register for the property. A copy of the electoral register from December 2005 is included within supporting information (this has been signed by the library archivist to confirm the date of the copy). This provides evidence that the lower ground flat, namely 31A Rochester Road, had a person registered and therefore that the property, 31A, was in existence more than 10 years ago. This is consistent with all the other supporting evidence.

9. Grounds For Application For A Lawful Development Certificate

- 4) Separate postal address: the two dwellings are recorded separately as 31A and 31 Rochester Road and this is evidenced at the Royal Mail website. Please refer to supporting attachment.
- 5) Separate meters: the two dwellings have separate gas, water and electricity meters (photographic evidence can be provided to support this if necessary)
- 6) Floor plans: please refer to the attached to scale drawings for the two dwellings, which evidence that they are self-contained flats.

In summary, we strongly believe there is sufficient evidence to warrant granting a Lawful Development Certificate for 31 Rochester Road into two separate dwellings.

10. Information in Support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed?

01/01/1975

In the case of an existing use or activity in breach of conditions has there been any interruption?

Yes No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought:

Yes No

10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Does the application for a certificate relate to a residential use where the number of residential units has changed?

Yes No

Market Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes	0	1	1		
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Market Housing Total

Market Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes			0	0	1
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Market Housing Total

Social Rented Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Social Housing Total

Social Rented Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Social Housing Total

Intermediate Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					

Intermediate Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					

10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Intermediate Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Unknown					

Proposed Intermediate Housing Total

Intermediate Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Unknown					

Existing Intermediate Housing Total

Key Worker Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Key Worker Housing Total

Key Worker Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Key Worker Housing Total

Overall Residential Unit Totals	
Total proposed residential units	2
Total existing residential units	1

11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date

26/08/2016

Warning:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.