

LDC Report		Expiry Date: 31/10/2003
Officer		Application Number
Neil McDonald		2003/2042/P
Application Address		Drawing Numbers
106 Regent's Park Road London NW1 8UG		OS site location plan, Floor plan for lower ground to second floors, Sworn declaration dated 21.10.03.
PO 3/4	Area Team Signature	Authorised Officer Signature
Proposal		
Application for Certificate of Lawfulness for Existing / Proposed use or development for: Application for Certificate of Lawfulness for the existing use of the property as two self contained units, namely a self contained basement flat and a self contained maisonette on the ground, first, second and third floors.		
Recommendation : Granted		
Assessment		
<p>Planning History: Permission granted in 1951 for conversion of the property to 2 flats at basement and ground floor plus a maisonette on the 1st and 2nd.</p> <p>The application for a certificate of existing lawfulness is in respect of the use as a ground, first and second maisonette and separate, self contained flat in the basement. However, the supporting information originally submitted served merely to show two separate utility accounts. The Council's Council tax records meanwhile assess the whole property as a single dwelling unit since at least as far back as 1994. Further verbal explanation from the applicant's agent appeared at first to confirm the Council Tax records in that the basement flat was mainly used by guests or family members of the applicant residing as part of the main household rather than using the flat as a separate entity.</p> <p>However, the applicant has since provided a sworn declaration to the effect that:</p> <ul style="list-style-type: none"> • The house was purchased by the applicant in 1990 as a basement unit and upper floors maisonette after living there prior to that time in the upper maisonette as a rent paying tenant. • In 1989 the basement flat was being let out by the previous owner to separate tenants but after the applicant brought the house he decided not to let it out commercially to avoid problems of noise and disturbance from visitors. • The basement flat has since then remained largely unused except for occasional periods for temporary occupation by friends or relatives of the applicants. <p>In the light of the above it would appear that the basement flat had for some time prior to the applicant's interest in the property commenced, been in use as a separate flat, but since 1990 had been mainly vacant. Its temporary and informal use on occasion by friends and member's of the applicant's family would not have materially changed that use as the flat continued to retain its self-contained character, and although related in some way to the residents of the maisonette, do not appear to have resided as members of the same household.</p> <p>On balance, from the information available it appears that the lawful use of the property is likely to be as two separate self-contained dwelling units and that the 1951 permission for three units was either only partially implemented or that the upper floors of the property were at some time more than 4 years ago converted to a maisonette. It is therefore considered that the certificate of lawfulness for the use as two units should be granted.</p>		