

LDC (Proposed) Report		Application number	2017/1706/P
Officer		Expiry date	
Tony Young		19/05/2017	
Application Address		Authorised Officer Signature	
Flat 2nd Floor & Flat 3rd Floor 34 Gloucester Crescent London NW1 7DL			
Conservation Area		Article 4	
Primrose Hill		n/a	
Proposal			
Change of use from HMO (house in multiple occupation) (Class C4) to residential (Class C3) use to provide a 1-bed self-contained maisonette over 2nd and 3rd floor levels			
Recommendation:		Issue certificate of lawfulness	

Site description

The application site comprises a mid-terrace property arranged over 4 storeys with a lower ground floor, situated on the northern side of Gloucester Crescent, close to its junction with Oval Road to the west. This application relates to the 2nd and 3rd floor levels only.

The building is Grade II listed and sits within the Primrose Hill conservation area.

Planning history

There are no relevant historic planning or enforcement records. However, there are 2 registered Certificate of Lawfulness (existing) applications relating to the lower floors that have yet to be determined:

2017/1707/P - Use as 2-bed maisonette (Class C3) over lower ground & ground floors

2017/1709/P - Use as 1-bed self-contained flat (Class C3) at 1st floor level.

An enforcement case (EN17/0486) has also been raised in response to information received concerning internal works carried out at the property. This matter is currently under investigation.

Proposal

The applicant is seeking confirmation that a proposed change of use from an HMO (house in multiple occupation) (Class C4) to residential (Class C3) use to provide a 1-bed self-contained maisonette over 2nd and 3rd floor levels is permitted development.

Assessment

The Council's HMO licensing team approved an application for the property to operate as an HMO and granted a licence in 14/10/2016 (ref. 052655) under section 64 of the Housing Act 2004.

A recent site visit by the case officer also confirmed the current layout of the 2nd and 3rd floors to be consistent with that of an HMO being in broad terms suitable as tenanted living accommodation occupied by person(s) as their only or main residence, who are not related, and who share one or more basic amenities, and as defined under the Use Classes Order as:

Class C4 (Houses in multiple occupation)

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

It is therefore established that the 2nd and 3rd floor levels that are the subject of this application are licensed and operating as an HMO within Use Class C4.

As such, a proposed change of use from the existing Class C4 to Class C3 (as a self-contained maisonette over 2nd and 3rd floor levels) would be permitted in so far as the proposed unit accords with a Class C3 use as defined under the Use Classes Order and also the requirements of Class L set out below:

Class C3 – Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or .
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4). .

Interpretation of Class C3

For the purposes of Class C3 “single household” shall be construed in accordance with section 258 of the Housing Act 2004(3).”

Class L		
Development consisting of a change of use of a building—		
(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;		
(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.		
If YES to any of the questions below, the proposal is not permitted development:		Yes/no
L.1 (a)	Would the development result in the use as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule?	No
L.1 (b)	Would the development result in use as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a	n/a

	single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule?	
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Therefore, under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed change of use is considered to be permitted development and does not require formal planning permission.

Recommendation: Issue certificate of lawfulness