

<b>LDC Report</b>	
<b>Officer</b>	<b>Application Number</b>
Gideon Whittingham	2017/3943/P
<b>Application Address</b>	<b>Recommendation</b>
Flat A 13 Agar Grove London NW1 9SL	
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (if refusal)</b>
<b>Proposal</b>	
Use of lower ground floor as HMO (Use Class C4)	
<b>Site</b>	
<p>The application site is a semi-detached property located on the north side of Agar Grove. The property is not a listed building, but it is located within the Camden Square Conservation Area.</p> <p>The application relates to the lower ground floor level.</p> <p>The application seeks to demonstrate that the lower ground floor level has been in use as an HMO since mid to late 2016 and as such did not require planning permission to change the use from residential (C3).</p> <p><b>Planning history</b></p> <p>Planning permission ref: 2010/3862/P dated 14/03/2011 for the conversion of 1x 3 bedroom maisonette into 1 x 3 bedroom flat at lower ground floor level and 1 x1 bedroom flat at upper ground floor level with associated rear extension.</p> <p><b>Submitted Documents</b></p> <p>The applicant submitted the following:</p> <ul style="list-style-type: none"> <li>• Land Registry title for 13 Agar Grove;</li> <li>• OS Location Plan;</li> <li>• Tenancy Agreement dated 10<sup>th</sup> November 2016;</li> <li>• HMO License dated 5th May 2016;</li> <li>• Floor plan and details for 'Lot 11 – 131 Agar Grove.</li> </ul>	

## **Assessment**

A recent site visit by the case officer confirmed the current layout of the lower ground floor level to be consistent with planning permission ref: 2010/3862/P dated 14/03/2011 and therefore it is recognised that this permission was implemented.

Council Tax records show that 'Flat A' was in effect from 05/09/2013.

The requirements of Class L (GPDO 2015 as amended) permit the change of use of a building:

(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.

The Council's HMO licensing team approved an application for flat A (the lower ground floor) to operate as an HMO and granted a licence in 05/05/2017 (ref. 054088) under schedule 5 of the Housing Act 2004.

A recent site visit by the case officer also confirmed the current layout of the lower ground floor 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 lower ground floor level that is subject of this application is licensed and operating as an HMO within Use Class C4.

In mind of the above and the submitted documents showing the existing authorised use as a flat within Class C3, under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the change of use to have taken place in mid to late 2016 would have been permitted development and would not have required formal planning permission.

**Recommendation: Issue certificate of lawfulness**