

Application for listed building consent
to complete work previously granted planning
and listed building consent in 1983 and 1984 to create
three independent flats on the upper floors and for
ground and basement floor alterations also
granted consent in 1984

at

135 – 137 Whitfield Street,
London
W1T 5EL

for

Sultana S. Taj, Neema S. Shafeeq and Habiba S. Farooque

16 February 2018

Guard Tillman Pollock Architects
161 Whitfield Street
London
W1T 5ET

Application for a Lawful Development Certificate
135 – 137 Whitfield Street

1.0 History of the terrace

135 – 137 Whitfield Street was built as part of a terrace of houses in approximately 1780. All the houses had commercial market shops on the ground floor, which supported the market in the square. Following damage in the Second World War much of the terrace became derelict.

In 1974 the terrace was Grade II listed for group value. During the 1970's and early 1980's numbers 139 to 157 were rebuilt, some houses with commercial use at ground floor level, but the majority with residential accommodation on the ground floor. Numbers 131, 135, 137, 159 and 161 and the corner building of 15 Warren Street remain largely original, although all have modified shopfronts and internal alterations.

2.0 History of 135 and 137 Whitfield Street

135–137 Whitfield Street was originally built with shops on the ground floor. Many of the shopfronts had no glazing, the window boarding folded down and used as tables for display of products and goods as part of the former Fitzroy Market.

By 1948 and the commencement of the Town and Country Planning Act, the ground floor of 137 had become a restaurant and the ground floor of 135 had become an antique / junk shop.

In 1954 Abdul Subhan (the late father of the applicants) took over the lease on the ground floor of 137 Whitfield Street and opened the Agra restaurant. In 1967 he leased the adjoining ground floor in 135 and opened the Agra Delux restaurant. By 1979 Abdul Subhan had acquired the upper floors of the two buildings.

3.0 Family history

Abdul Subhan and his family lived on the upper three floors of 135 -137 Whitfield Street and ran the two Agra restaurants on the ground floor. When he died in 1981 he left the property to his three daughters. His daughters, the applicants, who live independently of each other on the upper three floors of the building now wish to complete the work to make three self-contained flats for their own occupation.

4.0 Relevant planning history

On 25 April 1983, planning permission and listed building consent was granted for the lateral conversion of the third floor of both 135 and 137 Whitfield Street into a two bedroom flat (ref. M12/29/D/35161 and M12/29/D/HB3037). The work was implemented but the bathroom was repositioned to reduce costs. We believe this planning permission is extant.

On 22 February 1984 planning permission and listed building consent was granted to create two lateral conversion flats on the first and second floors and for the joining together of the two ground floor commercial units by making holes through the party wall. These permissions also included the construction of a ground floor rear extension and installation of an extract duct (ref. M12/29/D/37095 and M12/29/D/HB3352).

This work was implemented on all floors. For cost reasons the work to create the flats on the first and second floors was not fully completed and the rear extension was not constructed. We believe this planning permission is extant and on the advice of Alfie Stroud, senior conservation planner, are seeking confirmation through a lawful development application that this is the case.

5.0 The proposed layout

Drawings that accompanied the planning and listed building consent are attached to this application (appendix 1). These drawings describe the proposed changes yet to be implemented from the original applications. The as existing drawings illustrate the aspects of both the 1983 and 1984 applications which have been implemented.

The alterations which have already been implemented are highlighted in the attached as existing drawing set in appendix 2.

6.0 Listed Building Alterations

To complete the conversion to three lateral flats on the upper floors the existing staircase in 137 needs to be removed from first to third floor. Permission has been granted for this work by the listed building consents of 25 April 1983 and the permission of 22 February 1984.

The planning and listed building consent of 22 February 1984 to combine the ground floor commercial units, which has been implemented, has removed the former ground floor escape corridor to the staircase of 137, rendering the staircase redundant.

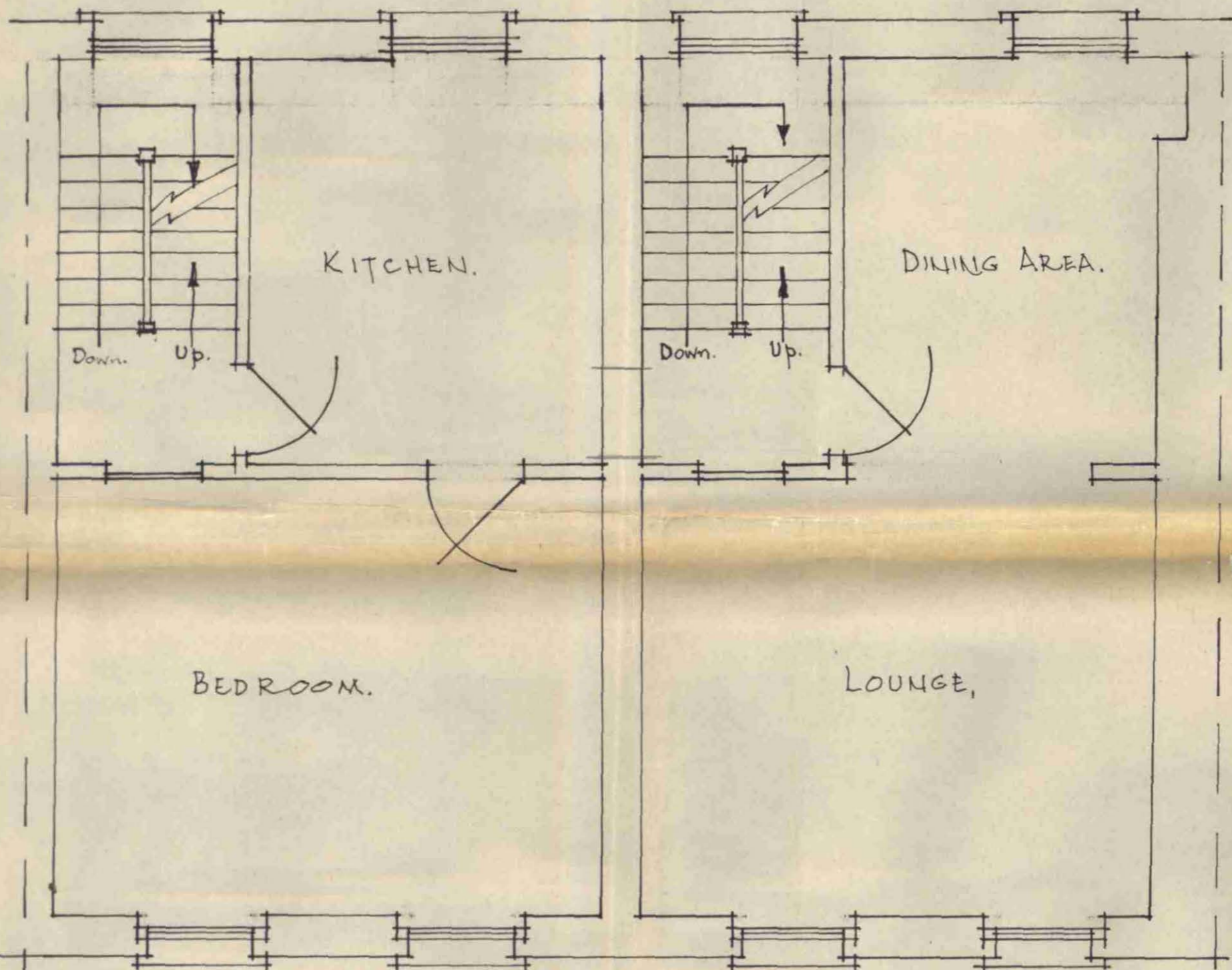
7.0 Legal requirements for the subdivision of the property

The applicants are currently arranging the legal subdivision of the upper floors of the property to create a leasehold flat for each applicant. The solicitors would like to have a certificate of lawful development to confirm that the permission for the three flats remains extant.

8.0 External Alterations and Servicing Arrangements

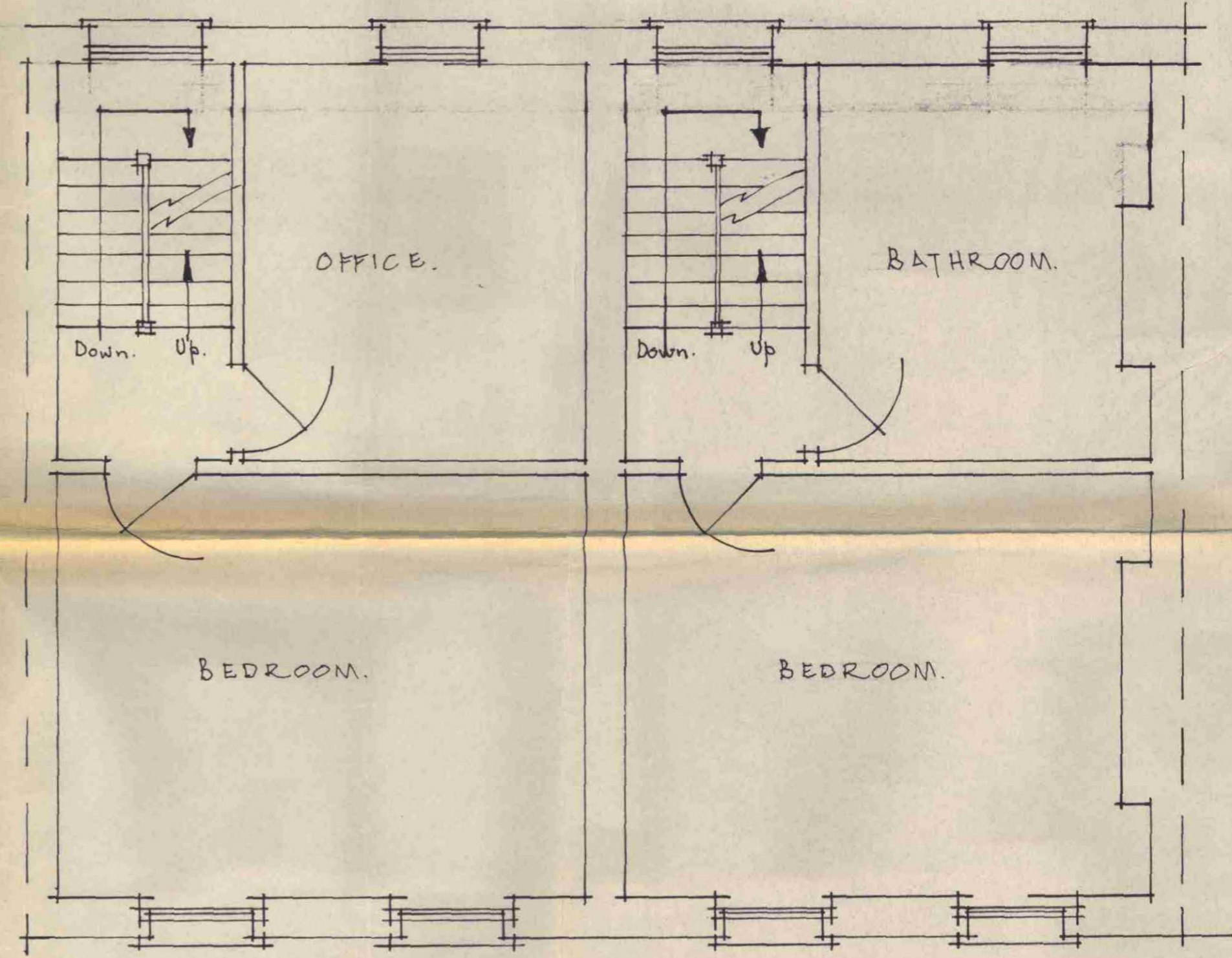
No external alterations other than the construction of the previously granted rear extension are proposed. No alterations to the servicing arrangements for the building are proposed.

Appendix 1.0 Approved listed building and planning application drawings
1983 applications and decision notice - M12/29/D/35161 and M12/29/D/HB3037
1984 applications and decision notice - M12/29/D/37095 and M12/29/D/HB3352



LONDON BOROUGH OF CAMDEN
 TOWN AND COUNTRY PLANNING ACTS
 25 JAN 1983
 PLANS APPROVED
 ON BEHALF OF THE COUNCIL

B 5. 137.
FIRST FLOOR.



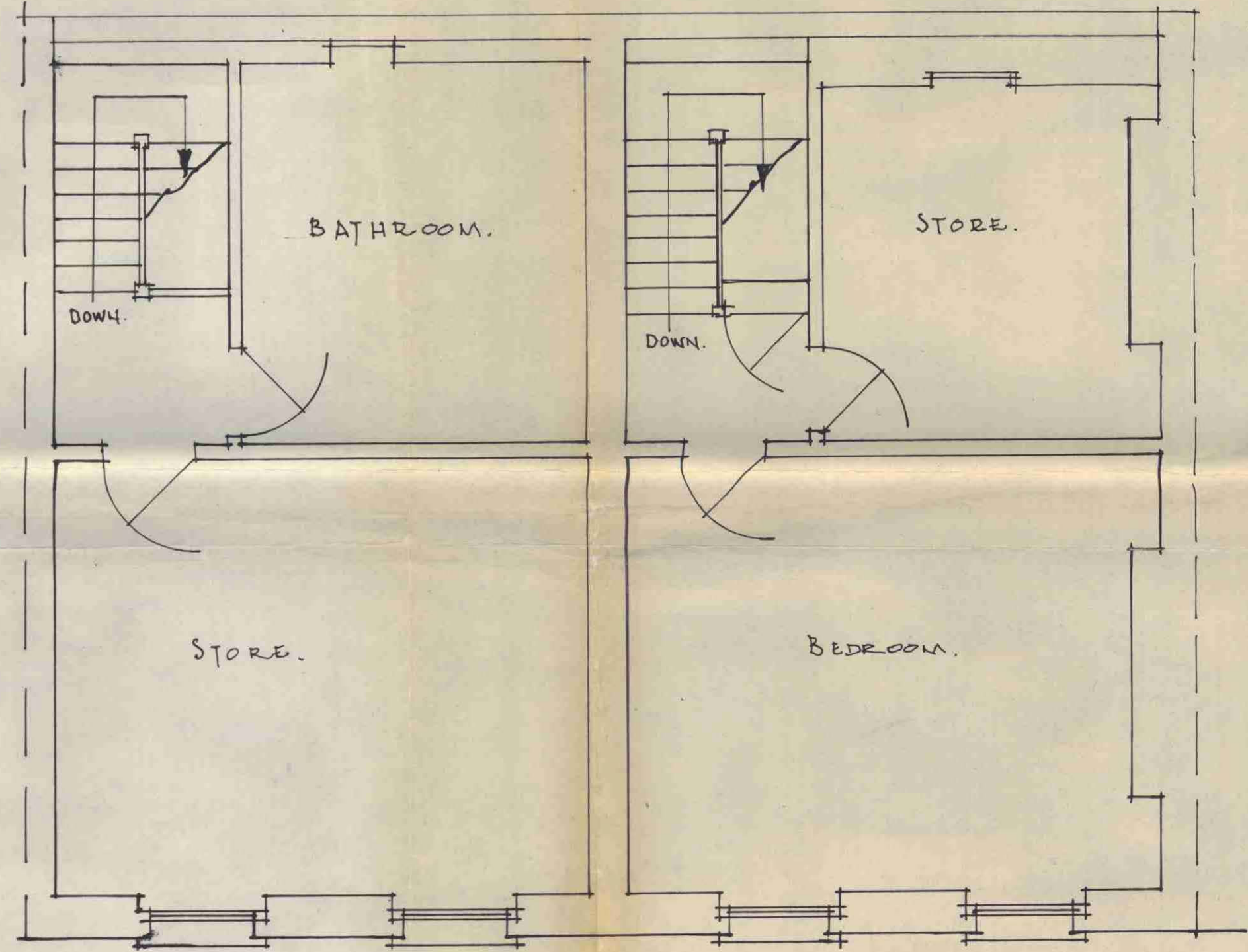
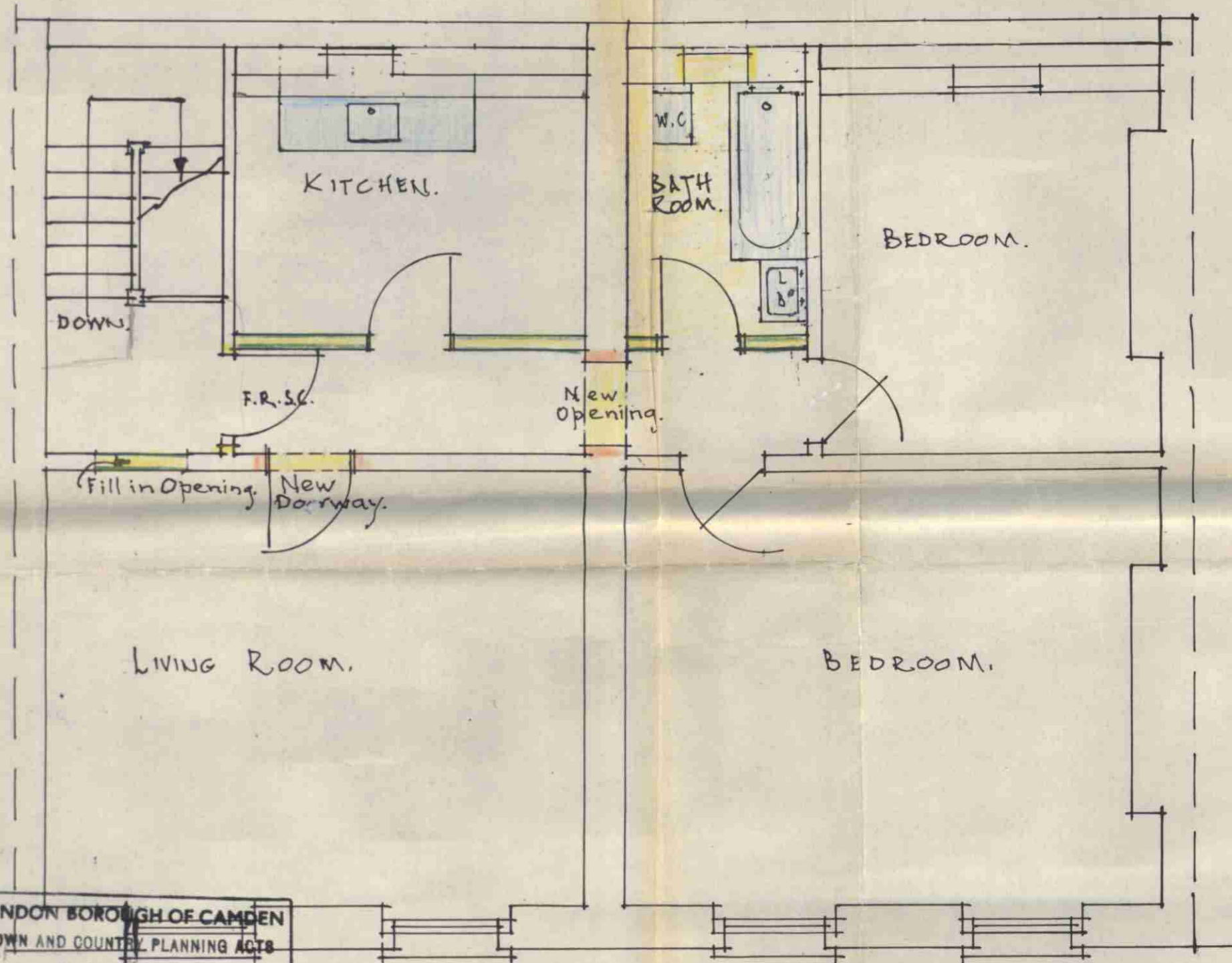
135. 137.
SECOND FLOOR.

SCALE 1/4" - 1'-0"
 DWG No. 135/2.
 DATE - JUNE 1982.

(for info only)
 CTP/H12/29/D 35161 + HB3037

135-137, WHITFIELD STREET, W.1.

HARMAN HEALY & CO.
 SURVEYORS,
 14, ROGER STREET,
 LONDON, W.C.1.



LONDON BOROUGH OF CAMDEN
 TOWN AND COUNTRY PLANNING ACTS
 25 JAN 1983
 PLANS APPROVED
 NOT APPROVED
 ON BEHALF OF THE COUNCIL

135

137

THIRD FLOOR - PROPOSED.

135

137

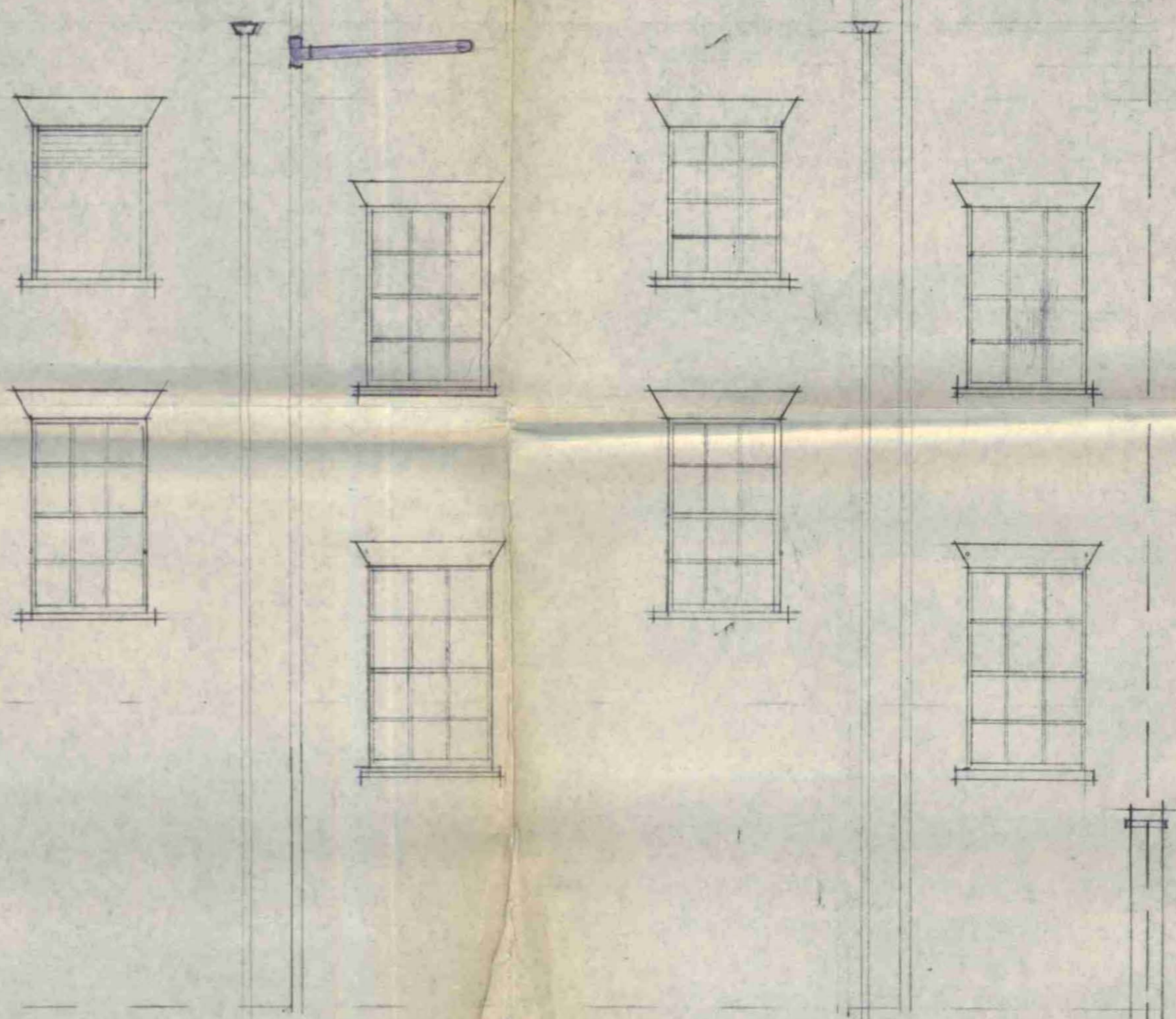
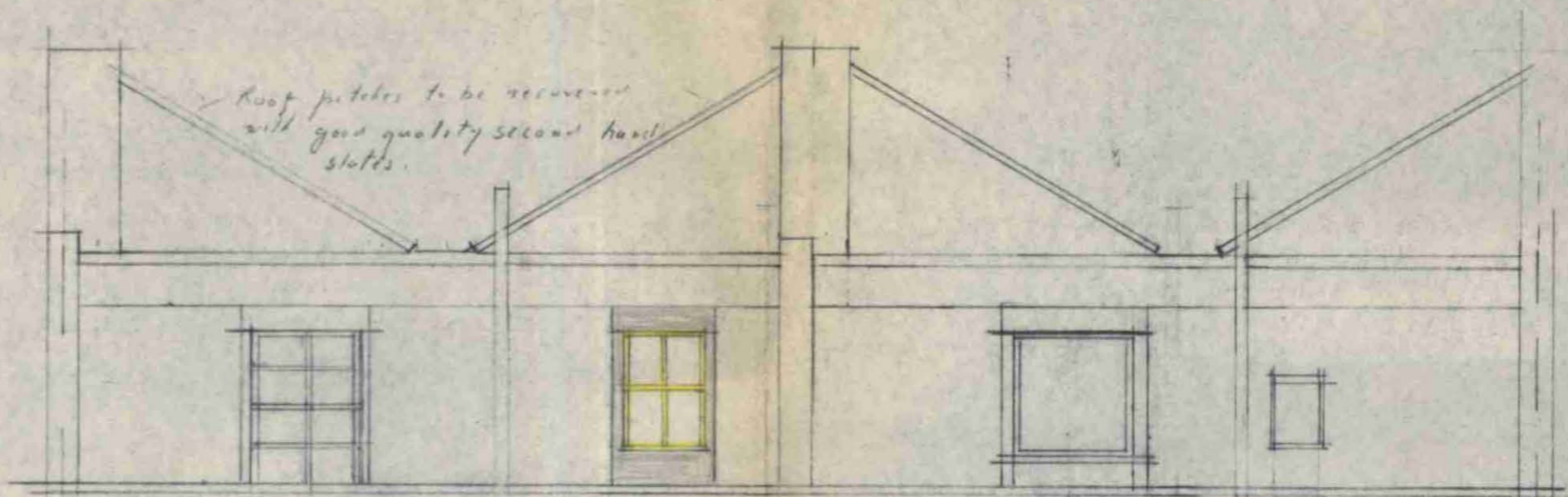
THIRD FLOOR - EXISTING.

CTP/H12/29/D /35161 +
 HB3037

SCALE 1/4" = 1'-0"
 DWG No. 135/1.a.
 DATE - JUNE 1982.

135-137, WHITFIELD STREET, W.1.
 PROPOSED SELF-CONTAINED FLAT CONVERSION.

HARMAN HEALY & CO.
 SURVEYORS,
 14 ROGER STREET,
 LONDON, W.C.1.



LONDON BOROUGH OF CAMDEN
 TOWN AND COUNTRY PLANNING ACTS
 25 JAN 1983
 PLANS ~~NOT APPROVED~~ APPROVED
 ON BEHALF OF THE COUNCIL

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REAR

135

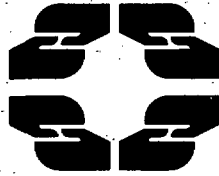
ELEVATION

CTP/M12/29/D / HB3005(K) ^{3037(H)}

SCALE 1/4" - 1'-0"
 DWG No. EL. 2.A
 DATE - SEPT. 1982.

135 - 137, WHITFIELD STREET, W. 1.

HARMAN HEALY & CO.
 SURVEYORS,
 14, ROGER STREET,
 LONDON, W.C.1.



Planning and Communications Department
Camden Town Hall
Argyle Street Entrance
Euston Road
London WC1H 8EQ
Tel: 278 4444
Geoffrey Hoar BSc (Est. Man) Dip TP FRTP
Director of Planning and Communications

Item No. **PLD/83/230**

**Harman Healy & Co.,
14 Roger Street,
London,
WC1**

Date **25 APR 1983**

Your reference

FMB

Our reference

M12/29/D/HB3037

Telephone inquiries to:

S. M. Clark

Ext. **2867**

Dear Sir(s) or Madam,

Town and Country Planning Act 1971 (as amended)

Town and Country Amenities Act 1974

**Town and Country Planning (Listed Buildings and Buildings in Conservation Areas)
Regulations 1977**

Listed Building Consent (Conditional)

The Council, in pursuance of its powers under the above-mentioned Act and the Regulations made thereunder, hereby grants consent for the execution of works referred to in the undermentioned Schedule, subject to the condition(s) set out therein.

Your attention is drawn:-

- (a) to the Statement of Applicant's Rights set out overleaf;
- (b) to the provisions of the London Building Act 1930/39 and the bye-laws in force thereunder which must be complied with to the satisfaction of the District Surveyor whose address may be obtained from this office.

This consent is given subject also due compliance with any other provisions of the Town and Country Planning Acts, and any local Acts, regulations, building bye-laws and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder. It does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either this land or any other land or the rights of any persons (including the London Borough of Camden) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property.

SCHEDULE

Date of application: **28th October 1982**

Plans submitted: Regd. No: **HB3037** Your No(s): **135/1A, 135/2, EL. 2A & 2B**
accompanying Specification of works.

Address: **135-137 Whitfield Street, W1**

Works: **The conversion of the third floor of 135 & 137 Whitfield Street, W1 to form a 2 bedroom/3 person flat.**

Standard condition:

The works hereby permitted shall be begun not later than the expiration of five years from the date on which this consent is granted.

All correspondence to be addressed to the Director of Planning and Communications.

Standard reason:

In order to comply with the provisions of S.56a of the Town and Country Planning Act 1971 as amended.

Additional condition(s):

All new works or works of making good to the exterior of the building are to match the original work in material, design and execution.

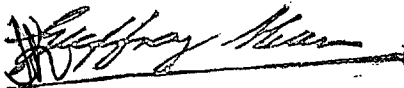
Reason(s) for the imposition of condition(s)

To safeguard the special architectural and historic interest of the building.

Statement of Applicant's Rights arising from Granting of Listed Building Consent Subject to Conditions

1. If the applicant is aggrieved by the decision of the local planning authority to grant consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with paragraph 8 of Schedule 11 to the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
2. If listed building consent is granted subject to conditions whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council of the district or London borough in which the land is situated (or, where appropriate, on the Common Council of the City of London) a listed building purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 190 of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 171 of the Town and Country Planning Act 1971.

Yours faithfully,

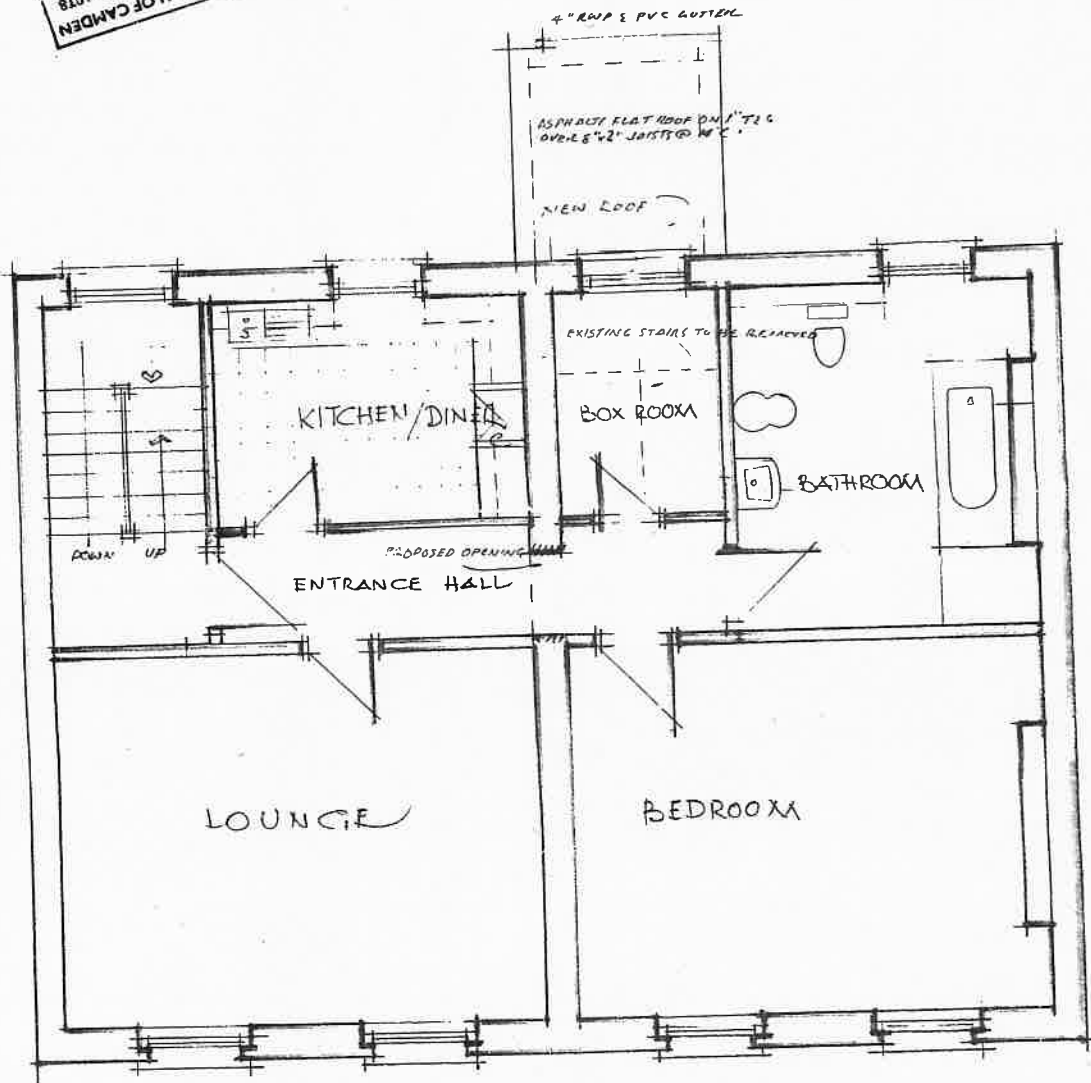


Director of Planning and Communications
(Duly authorised by the Council to sign this document)

(revised August 1981)

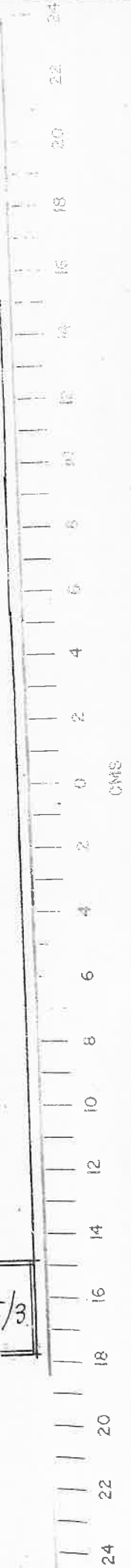
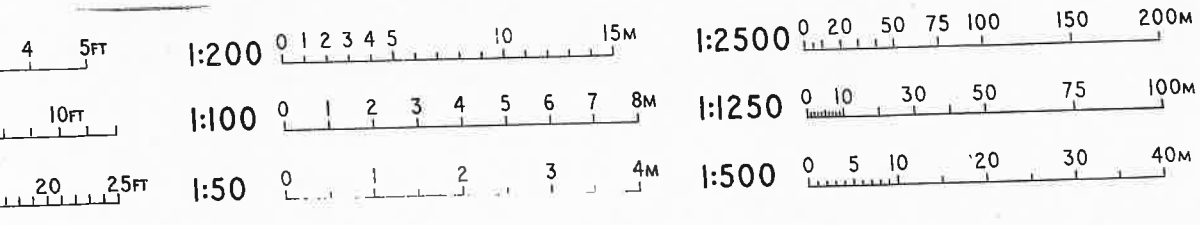
LONDON BOROUGH OF CAMDEN
 TOWN AND COUNTRY PLANNING ACT 1978
 APPROVED
 PLANS NOT APPROVED
 - 7 FEB 1984
 ON BEHALF OF THE COUNCIL

NOTES:
 ALL DIMENSIONS IN METERS
 DETAILS TO BE CHECKED
 ON SITE

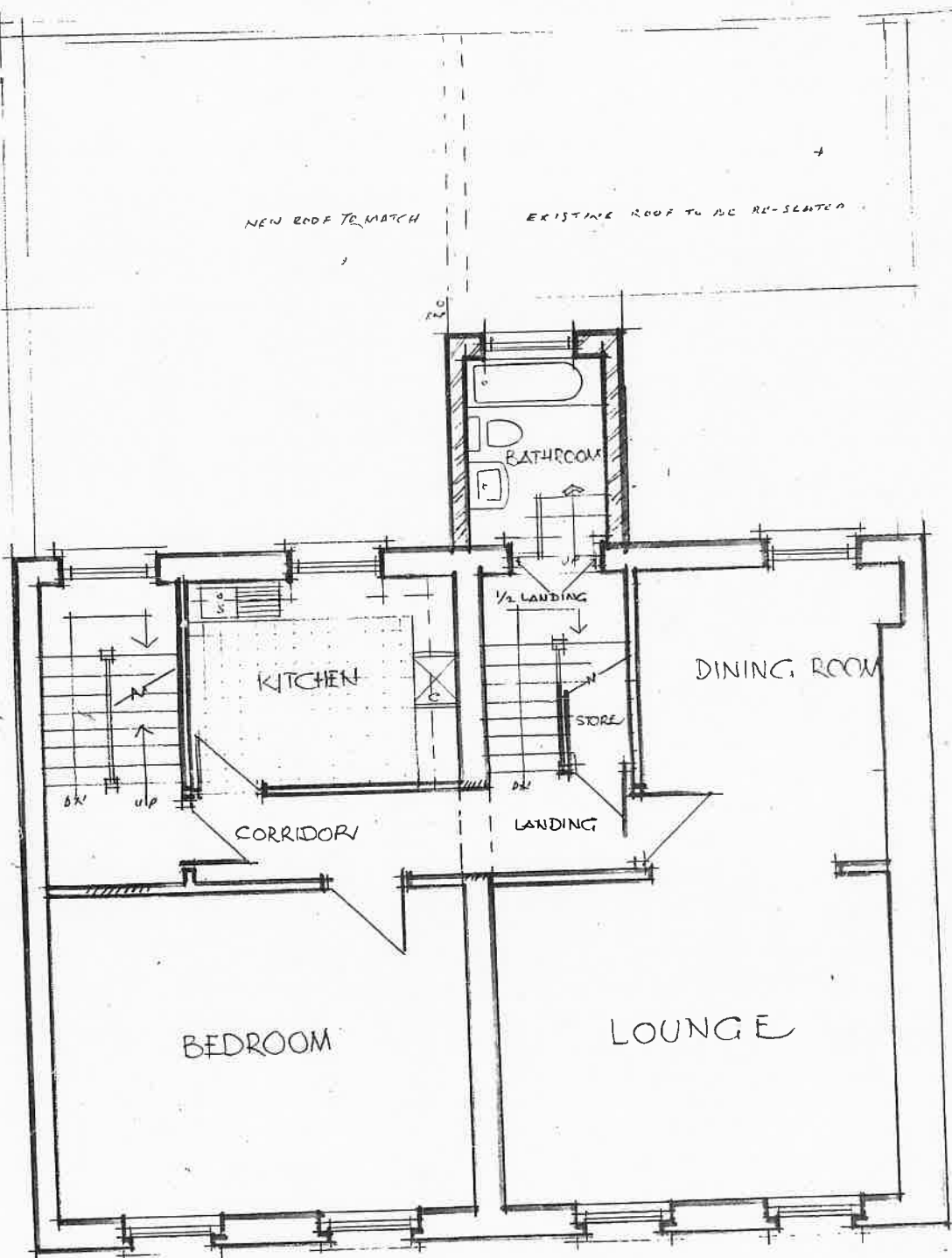


SECOND FLOOR PLAN
 CTP/H12/29/D 137095 +
 HB3352

AGR & RESTAURANT 137-139 WHITFIELD ST. LONDON W.1	PROPOSED CONVERSION OF FIRST & 2ND FLOOR INTO FLATS SCALE 1/4"=1'0" MAY 1983	DESIGN ASSOCIATES CHARTERED ARCHITECTS 199 DALLARDS GANE N.3 TEL: 01-3894911 625.5471	JOB REF. 1035/3
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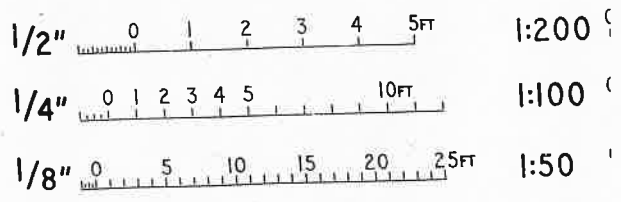
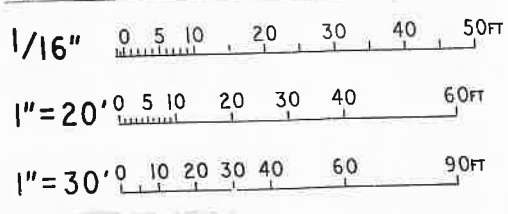


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FIRST FLOOR PLAN

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NOTES

ALL DIMENSIONS AND DETAILS TO BE CHECKED ON SITE

LONDON BOROUGH OF CAMDEN
TOWN AND COUNCIL PLANNING ACT
APPROVED
PLANS NOT APPROVED
ON BEHALF OF THE COUNCIL
- 7 FEB 1984

AGRA RESTAURANT
137-139
WHITFIELD ST. W.I.

PROPOSED ALTERATIONS
AND EXTENSION

SCALE : 1/4" = 1'-0"

DATE : 24.4.83

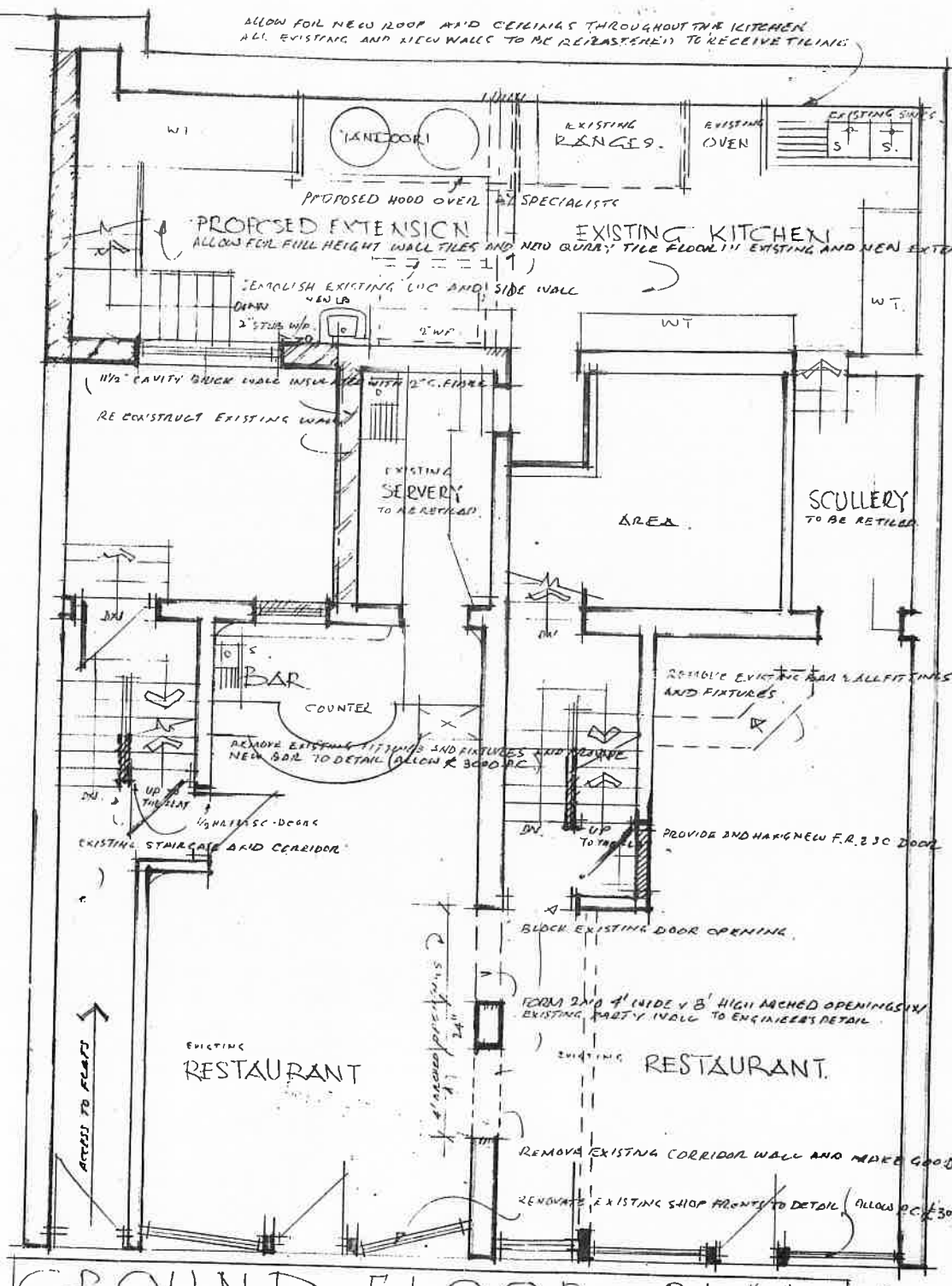
REV : A.B.C

BY :

DESIGN ASSOCIATES
CHARTERED ARCHITECTS
199 BALLARDS LA N3
TEL: 01-3494911

LB REF 1035/1

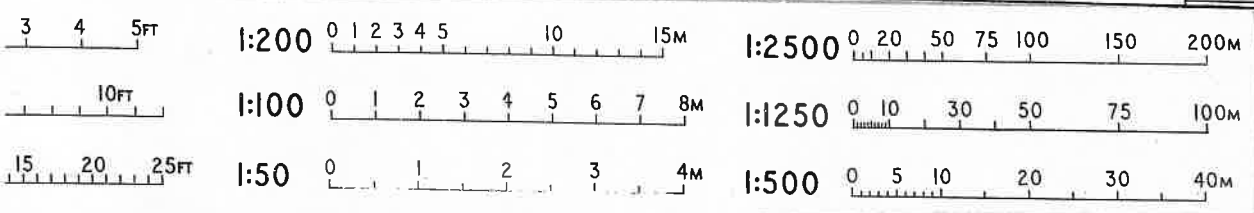
ALLOW FOR NEW ROOF AND CEILING THROUGHOUT THE KITCHEN
ALL EXISTING AND NEW WALLS TO BE REBASTENED TO RECEIVE TILING



GROUND FLOOR PLAN

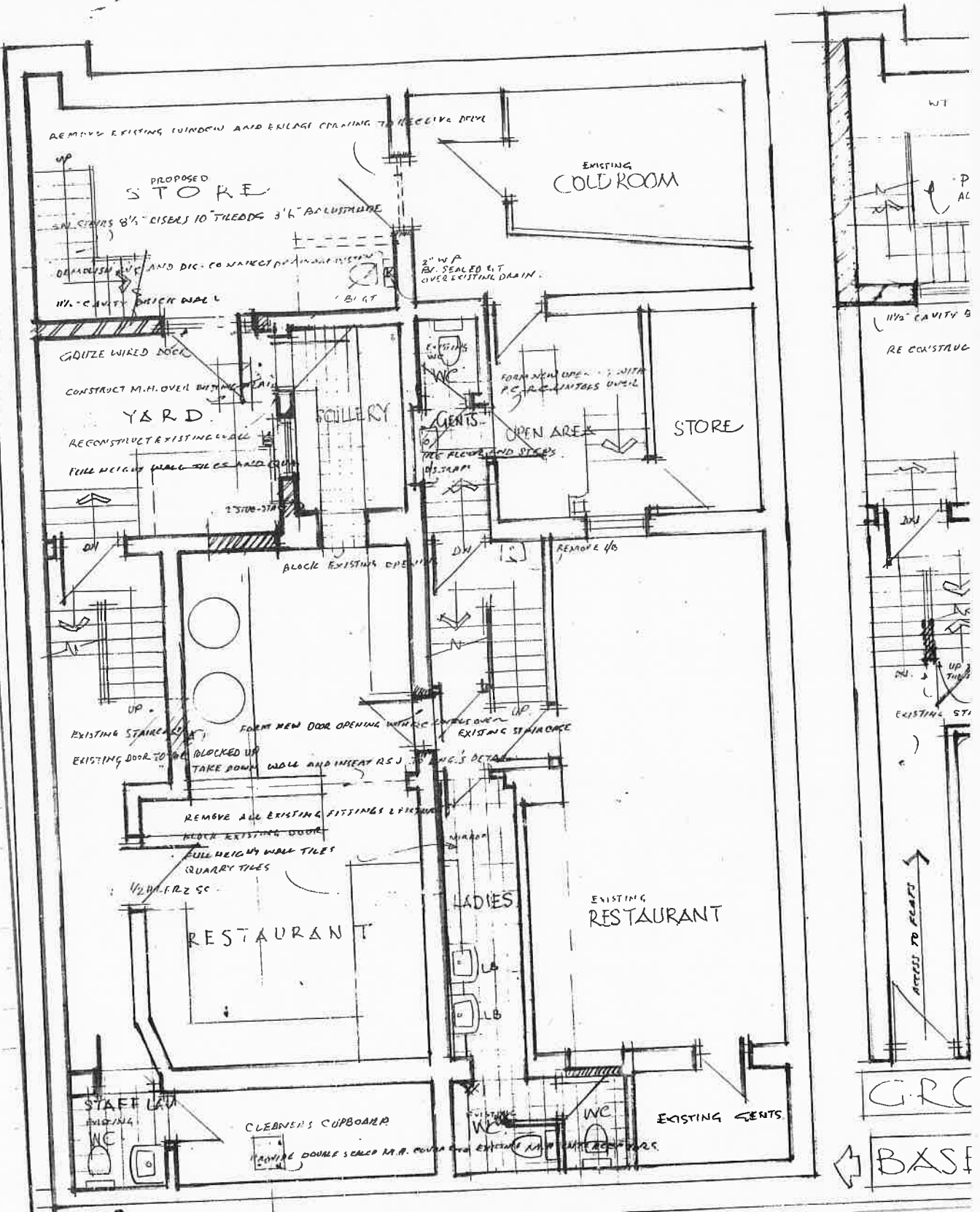
BASEMENT PLAN

CTP/N12/29/D / 370954 / HB3395

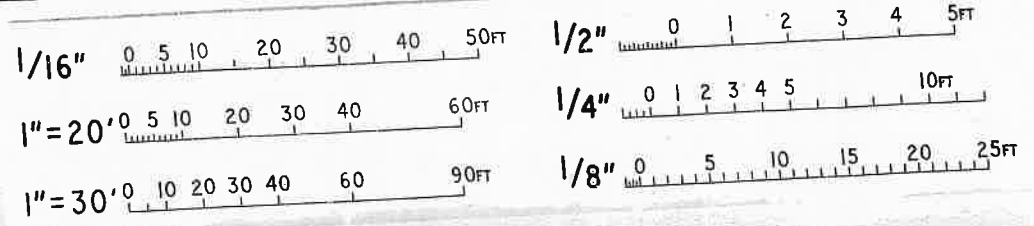


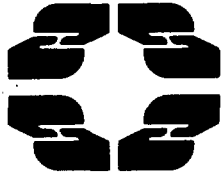
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Planning and Communications Department
Camden Town Hall
Argyle Street Entrance
Euston Road
London WC1H 8EQ
Tel: 278 ~~43664444~~

Item No. ...PLC/84/296...

B Schlaffenberg Dr Arch (Rome) Dip TP FRTP
Director of Planning and Communications

Design Associates
Architects
75 Abbey Road
London
N3

Date 2 2 FEB 1984

Your reference

1035
Our reference

M12/29/D/37095

Telephone inquiries to:

S M Clark

Ext. 2867

Dear Sir(s) or Madam,

TOWN AND COUNTRY PLANNING ACTS
Permission for development (conditional)

The Council, in pursuance of its powers under the above-mentioned Acts and Orders made thereunder, hereby permits the development referred to in the undermentioned Schedule subject to the condition(s) set out therein and in accordance with the plan(s) submitted, save insofar as may otherwise be required by the said condition(s). Your attention is drawn to the Statement of Applicant's Rights and to the General Information set out overleaf.

SCHEDULE

Date of application: 20th October 1983

Plans submitted: Reg.No: 37095 Your No(s): 1035/1, 2 and 3 plus letter dated 5th January 1984

Address: 135 and 137 Whitfield Street, W1

Development: Works of alteration, conversion and extension at 135/137 Whitfield Street, W1, to provide 2 flats on the first and second floors, including the erection of a first floor rear extension; the uniting of the restaurant use on the ground floor by breaches of the party wall; and the erection of 2nd storey extension at the rear to form an extension to the kitchen and store, including the erection of a duct on the rear elevation of the building.

The development hereby permitted must be begun not later than the expiration of five years from the date on which this permission is granted.

Standard reason:

In order to comply with the provisions of section 4 of the Town and Country Planning Act 1971.

Additional condition(s):

1. The limited period for the retention of the duct shall be until the 31st January 1989 by which date the duct shall be removed.

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing buildings.

Reason(s) for the imposition of condition(s):

1. The type of structure is not such as the Council is prepared to approve, other than for a limited period, in view of its appearance.
2. To ensure that the Council may be satisfied with the external appearance of the building.

Informative

You are advised to consult with the Chief Environmental Health Officer concerning the details of the location and height of the proposed duct work at the rear of the building.

Yours faithfully,



Director of Planning and Communications
(Duly authorised by the Council to sign this document)

Statement of Applicant's Rights Arising from the Grant of Permission subject to Conditions

1. If the applicant is aggrieved by the decision of the local planning authority to grant permission or approval subject to conditions, he may appeal to (and on a form obtainable from) the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ, in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. (The statutory requirements include Sections 70 and 77 of the Act.)
2. If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interests in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Act.

General Information

This permission is given subject to the time limit conditions imposed by the Town and Country Planning Act 1971, and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

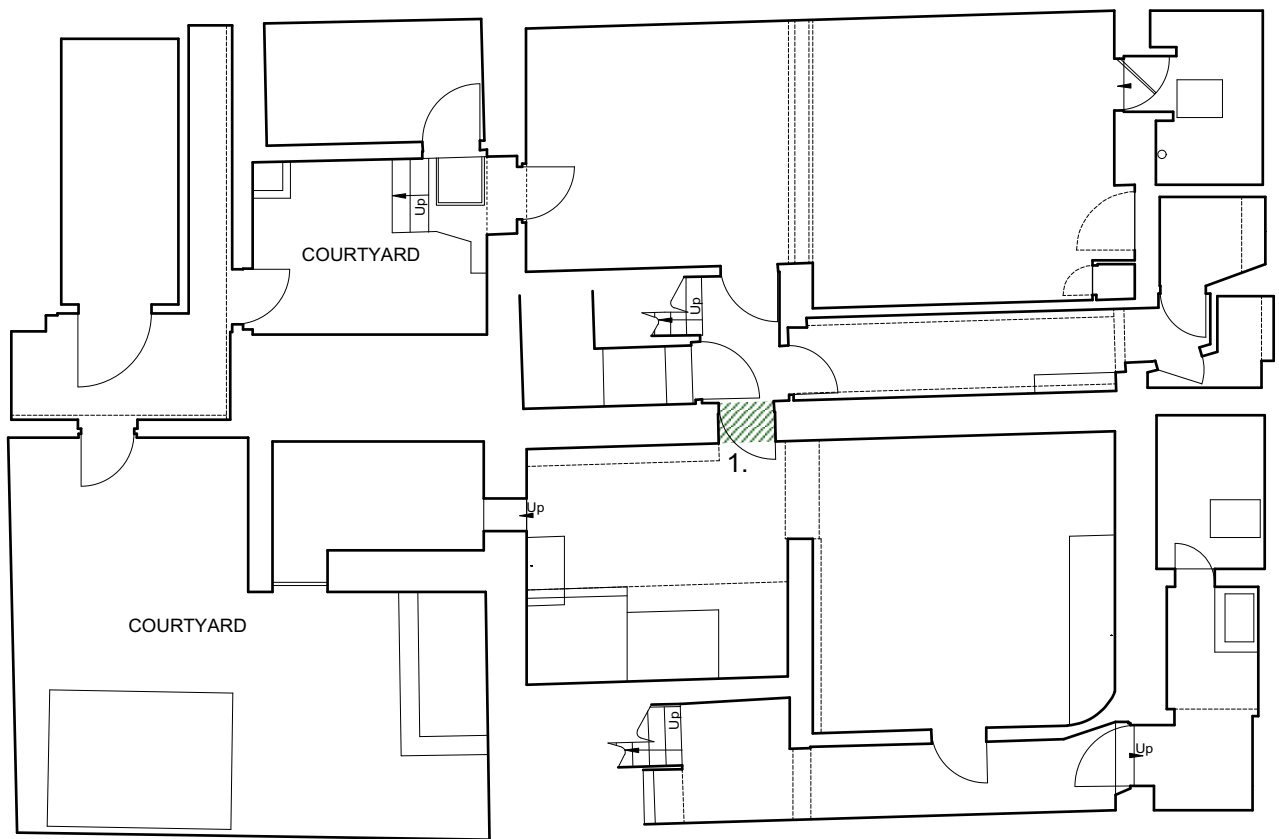
Your particular attention is drawn to the provisions of the London Building Acts 1930-39, and the by-laws in force thereunder which must be complied with to the satisfaction of the District Surveyor, whose address may be obtained from this office.

I would also remind you that the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either this land or any other land or the rights of any persons (including the London Borough of Camden) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property. In this connection applicants are advised to consult the Director of Works, Old Town Hall, Haverstock Hill, NW3 4QP, regarding any works proposed to, above or under any carriageway, footway or forecourt.

It is also necessary to obtain Listed Building Consent before any works of demolition, extension or alteration (internal or external) are undertaken to a building included in the Statutory List of Buildings of Architectural or Historic Interest: or before any works of demolition are undertaken to a building within a designated Conservation Area.

Planning permission does not constitute a Listed Building Consent:

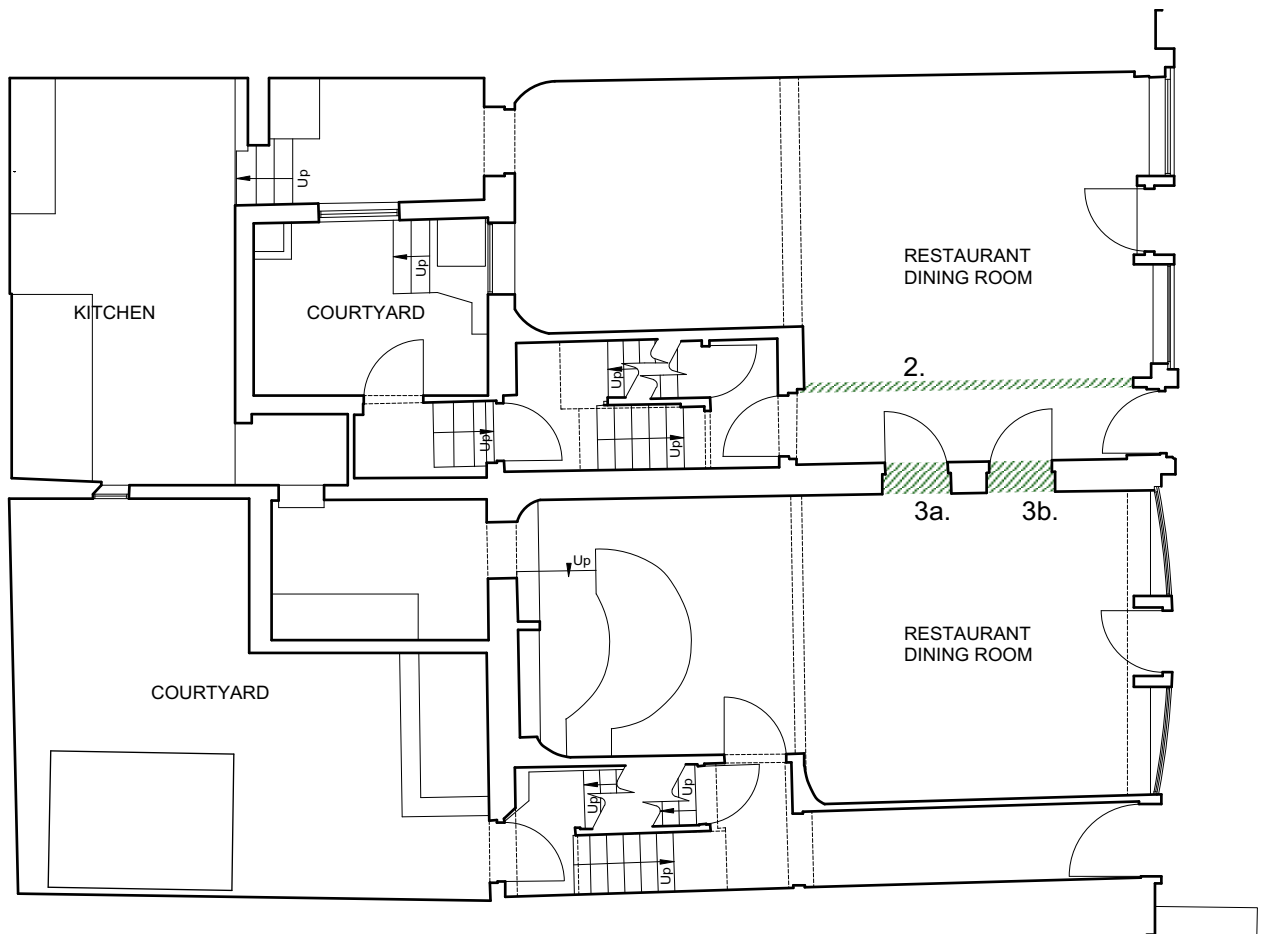
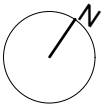
Appendix 2.0 As existing drawings



Items implemented from the previously granted 1984 planning / listed building application
 (M12/29/D/37095 & M12/29/D/HB3352)

1. a new opening through party wall has been made





Items implemented from the previously granted 1984 planning / listed building application (M12/29/D/37095 & M12/29/D/HB3352)

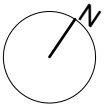
2. an existing partition has been removed

3a. & 3b. a new opening through party wall has been made



GROUND FLOOR PLAN AS EXISTING 135 - 137 Whitfield Street, LONDON W1T
for Sultana S. Taj, Neema S. Shafeeq and Habiba S. Farooque

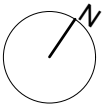
© Guard Tillman Pollock Architects LLP Scale 1:100@A3 Feb. '18 5002/00/02



Items implemented from the previously granted 1984 planning / listed building application
(M12/29/D/37095 & M12/29/D/HB3352)

- 4. a new opening through party wall has been made
- 5. a previously existing door opening has been in-filled





Items implemented from the previously granted 1984 planning / listed building application

(M12/29/D/37095 & M12/29/D/HB3352)

6. new opening through party wall has been made

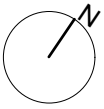
7. a new partition has been built

8. a new door opening has been created



SECOND FLOOR PLAN AS EXISTING 135 - 137 Whitfield Street, LONDON W1T
for Sultana S. Taj, Neema S. Shafeeq and Habiba S. Farooque

© Guard Tillman Pollock Architects LLP Scale 1:100@A3 Feb. '18 5002/00/04



Items implemented from the previously granted 1983 planning / listed building application
(M12/29/D/HB3037 & M12/29/D/35161)

- 1. new opening through party wall has been made
- 2. a new partition has been built

