**Planning, Design and Access Statement for**

**38, Pandora Road, London, NW6 1TR. April 2018**

Change of use from abandoned property to single family dwelling and

Formation of access for disabled persons.

1. The property

1.1 This is an end of terrace house built circa 1900. It has two main floors, ground and first with a second floor level in the rear roof space.

1.2 At ground floor level there are two rooms one each side of the front door and hallway. To the rear is a third room, kitchen and WC.

1.3 At first floor level are three rooms and a bathroom and at second floor level there is two rooms in the rear roof space.

1.4 There is a front garden with a brick boundary wall and hedging and a return frontage to Solent Road with a 1.8m high close boarded fence. This encloses the side and rear garden.

2. The past use of the property

2.1 Originally built as a single family dwelling (SFD), possibly with servants’ rooms at second floor level.

2.2 At some point the SFD became a house in multiple occupation. The delegated report for planning application 2012/5162/P notes that ‘*the property has been a licensed HMO for the past 5 years’*. This suggests that there was a HMO license for the period September 2007 to September 2012 and then a further license to September 2017.

2.3 The lettings ceased in early 2017 and the property became vacant. The owner then took steps to, in planning terms, abandon the HMO use. Showers, hand basins WCs and cooking facilities were removed to leave the property with a WC, bathroom and kitchen as at 1 June 2017. Taking 2.2 and 2.3 together the HMO use was present for less than 10 years.

3. The abandonment of the HMO use

3.1 The applicant has taken advice from Counsel over the issue of abandonment. She advises *inter alia* that:

***\*Hartley v Minister of Housing and Local Government***[1970] 1 QB 413 established that the question of whether use has been abandoned is an objective one, to be assessed with knowledge of all the facts including the intention of owner. The question is whether use has ‘*not merely been suspended for a short and determined period but has ceased with no intention to resume it*’.

\* In ***Castell-Y-Mynach v Secretary of State for Wales and Taff Ely BC***[1985] JPL 40 four factors relevant to the question of abandonment were identified:

* 1. The physical condition of the building;
	2. The period of non-use;
	3. Whether there has been any other use;
	4. Evidence of the owner’s intentions.
* On the facts of this case, I consider there is a reasonably good argument in favour of abandonment. There is a significant amount of evidence that the intention is to abandon HMO use, both implicit (through the works which have been carried out) and explicit (statements to like effect in correspondence with the licencing and valuation authorities).
* Applying the ***Castell-Y-Mynach***factors, the physical condition of the site and evidence of the owner’s intentions strongly support abandonment.
* It is clear that there is no intention to resume use, given that the property has been put into a condition where it may not in fact be capable of resuming its prior use.
* Both the HMO licensing department of the council and the valuation officers have accepted that the intention now is for the property to be used as a single dwelling.
* The only point which gives some cause for concern is the period of non-use. Although some nine months have passed – not a negligible amount of time, in the context of a building which might otherwise be let for profit - this is a shorter period than often figures in cases of abandonment.
* That being said, the test remains an objective one, having regard to all the facts. Although the period may be comparatively short, and this may tell against abandonment, there is an abundance of other evidence which indicates that the former use has been abandoned.

4. The evidence referred to is attached at Annex A.

5. The planning application

5.1 In the light of the forgoing we submit that the previous use has been abandoned. Therefore the change of use before the Council is from an abandoned property to a single family four bedroom dwelling. Plus the formation of a disabled access ramp and steps to the front door.

6. Design

6.1 Lifetime Homes. The interior of the building needs some internal alterations to comply with the former Lifetime Homes standards now subsumed into the Building Regulations part M4(2). Amongst these is the lowering of the ground floor level to remove the three steps to access the rear part of the ground floor. The standards are listed below with a brief description of compliance.

6.1.1 On plot parking. None is provided but on street disabled parking is permitted. If the need a rises an on lot parking space 4.8 x 3.3 can be located in the rear garden with access from Solent Road.

6.1.2 Parking space to dwelling. The access along Solent Road/Pandora road is gently sloping ( est 1:20) .Within the site there will be an access ramp of not more than 1:12 with steps for ambulant persons

6.1.3 Entrances. Max. thresehold upstand to be 15mm. External doors to have clear openings of at least 900mm. With external lighting over doorways

6.1.4 Internal doorways and hallways to comply with part M4 (2)

6.1.5 Circulation space. Min 1500mm turning space or 1700 x 1400 ellipse

6.1.6 A permanent living space is provided ie the Lounge

6.1.7 Part of the living space ie Lounge or Dining Room can accommodate a single bed if required.

6.1.8 Proposed GF bathroom of appropriate size and layout. Access level. Masonry walls suitable for fitting grab rails.

6.1.9 Straight staircase from GF to 1F capable of accommodating stair lift.

6.1.10 Ceiling joists above B1 capable of supporting an overhead track giving access to bathroom. (No longer required in B Regs part M 4(2))

6.1.11 See 6.1.8 above

6.1.12 Unable to comply with max. threshold of glazing to principal living area to not more than 850mm. Due to lowering of GF floor to remove existing change of level to existing room 3 and kitchen.

6.1.13 Service controls to be relocated at first and second fix to be between 450 and 1200 above floor level and at least 300 mm from any room corner.

6.2 Formation of external access ramp and steps. As shown on site plan as proposed. Ramp to be formed with small element permeable paving to a maximum slope of 1 in 12and steps to be formed of bricks. Handrails to be of iron.

7. Access

7.1 The property has a PTAL of 4. Having regard to Camden Planning Guidance No 7, for Transport, this enables the development to be car free.

7.2 The Council require a S 106 agreement to put this into place. For the purposes of this application, the applicant is prepared to enter into such an agreement and confirms that he is freeholder with no other party holding an interest in the property.

7.3 Paragraph 5.21 of the guidance confirms that for disabled drivers, blue badge holders may park within Controlled Parking Zones.

7.4 The property is within 600 m walking distances of the nearest shopping centre at West Hampstead, bus and rail transport. This gives access to all parts of London.

**Lamont Planning Associates**

**4 April 2018**

**Enclosures:**

Annex A Evidence of abandonment of previous use

Annex B Photos of property