

LDC Report		10/05/2018	
Officer		Application Number	
Elaine Quigley		2017/2921/P	
Application Address		Recommendation	
1st to 4th Floors 3 Erskine Road LONDON NW3 3AJ		See draft decision notice	
1st Signature		2nd Signature (if refusal)	
Proposal			
Use of 1st to 4th floors of the building as a single family dwelling (Use Class C3).			
Assessment			
<p>No. 3 Erskine Road is a mid-terrace, four storey residential building with an attic accommodation. The ground floor of the building is occupied as a retail unit and does not form part of the application. The building is on the southern side of the Erskine Road.</p> <p>The building is not listed but lies within the Primrose Hill Conservation Area.</p> <p>This application seeks to demonstrate that the first to fourth floors of the building have been used as a single family dwelling (Class C3). The applicant is required to demonstrate that, on the balance of probability, the use has occurred for a period of 4 or more years.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Sworn affidavit from Melanie Press (dated 08/03/2018) regarding use of the first to fourth floors of the building as a single family dwelling since October 2011 • Electricity and gas bills from NPower dating from 2013 to 2014, 2014-2015, 2015-2016, 2016-2017 including name of applicant and address of application site • Water bills from Thames Water from years 2014, 2015, 2016, 2017 and 2018 • Invoice from Thames Water dated 04/02/2011 with site address detailing cost of new water supply connection to property • Rana Ltd Builders invoice dated November 2011 showing breakdown of works carried out to the property (includes uses of rooms within each of the floors. Only one kitchen listed within the first to fourth floors) • Council tax bills showing applicants details paying both council taxes for second to fourth floor maisonette and first floor flat since 2014 • Certificate for upgrading of internal doors from Fire Prevention Products dated 27th 			

September 2011.

The applicant has also submitted the following plans:

- A site location plan outlining the application site
- Existing floor plans (first, second, third and fourth floors)

Council's Evidence

Relevant Planning History

Planning permission was granted on 13th October 2010 (2010/4149/P) for the change of use from a self-contained flat at second floor level and a self-contained maisonette at third and fourth floor levels into one self-contained maisonette, together with the replacement of existing conservatory at rear fourth floor level (Class C3).

Site visit

A site visit to the property was undertaken on 01/12/2017, in relation to the application. The officer was satisfied that the building is being used as a single family dwelling in line with the existing drawings (as submitted) and this looks to have been the case for some time.

Assessment

Paragraph 007 of the Planning Practice Guidance (Lawful Development Certificates) advises that the applicant is responsible for providing sufficient information to support an application and if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Planning permission was granted in 2010 to change of use from a self-contained flat at second floor level and a self-contained maisonette at third and fourth floor levels into one self-contained maisonette, together with the replacement of existing conservatory at rear fourth floor level (Class C3). From the information submitted, although planning permission was granted for 1 flat and 1 maisonette the owners have used the first to fourth floors as one single family dwelling since 2011. It is acknowledged that Council Tax bills show the payment of two tax bills for the first floor flat and second to fourth floor maisonette are being paid however the named recipients are the applicants.

The Council does not have any further evidence to contradict or undermine the applicant's version of events. The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the building has been used as a single family dwelling for a period of more than 4 years, as required by the Act.

Recommendation: Approve