


<b>Enforcement Delegated Report</b>			<b>Receipt date:</b>	03/08/2018
<b>Officer</b>		<b>Enforcement Case</b>		
Josh Lawlor		EN18/0591		
<b>Breach Address</b>		<b>Photos &amp; Other material</b>		
328A West End Lane, London, NW6 1LN				
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
			 13 <sup>th</sup> August 2018	
<b>Alleged Breach</b>				
Unauthorized conversion of 1 x residential unit to 3 self-contained flats comprising 2 x two bed units and 1 x studio unit				
<b>Recommendation(s):</b>		<b>Issue an</b>		
<b>Priority:</b>		P3		

<b>Site Description</b>
The site is a three storey Victorian terraced property. The ground floor which faces onto West end lane is in use as A3 restaurant. The access to the flats which are the subject of this investigation is at the back of the property.
<b>Investigation History</b>
The Camden environmental health department notified the planning department on the 18 <sup>th</sup> of July that there had been an unauthorized conversion.
A site visit was conducted with environmental health on the 26 <sup>th</sup> of July to inspect the works.
Upon inspecting the existing and proposed plans an enforcement notice was issued.
<b>Relevant policies / GPDO Category</b>
<b>Camden Local Plan 2017</b> A1- (Managing the impact of development) CC5- (Waste) H7- (Large and small) T1- (Prioritising walking, cycling and public transport) T2 – (Car-free housing) DM1- (Delivery and monitoring)
<b>London Plan 2016:</b> Policy 3.5 Quality and design of housing developments, Technical Housing Standards 2016  Camden Planning Guidance (2011/2015)

CPG 2 Housing chapter 4 and chapter 5  
CPG7- Transport: Chapter 5  
CPG 8- Planning Obligations: Chapter 10, paras 10.1-10.3

National Planning Policy Framework 2016: Chapter 2-paras 47- 52

## Assessment

### Planning history:

None relevant

### Issues:

- Residential standards
- Parking issues

#### Residential standards:

Policy H6 aim to minimise social polarisation and create mixed, inclusive and sustainable communities by seeking high quality accessible homes and by seeking a variety of housing suitable for Camden's existing and future households, having regard to household type, size, income and any particular housing needs. The policy further goes on to stipulate that many aspects of housing quality have a critical impact on the health and well-being of occupiers. These aspects of quality include the external environment, the condition of the property and its state of repair and decoration, accessibility, internal space and number of bedrooms, separation between functions such as kitchens, living rooms and bedrooms, adequate noise insulation, and daylight and sunlight and all of which can affect physical and mental health and influence life chances. London Plan Policy 3.5 indicates that new homes should have adequately sized rooms and convenient and efficient room layouts, which are functional and fit for purpose and meet the changing needs of Londoners over their lifetimes. The Local Plan therefore encourages design of all new housing to provide functional, adaptable and accessible spaces. In addition, the Local Plan applies specific space standards to all proposals for new self-contained homes. Table 3.3 of the London Plan indicates that the minimum space standard for a 1bed, 1- person units should be 37m<sup>2</sup> with an internal storage area of at least 1m<sup>2</sup>; for a dwelling of two storeys a 2bed, 3 – person unit should be 70m<sup>2</sup> with an internal storage area at least 2m<sup>2</sup>. As the converted flats fail to meet the minimum requirement, and the sub- standard accommodation that has been provided the development is considered to be unacceptable.

The property has been converted from 1 x residential unit to 3 self-contained units, comprising 2 x two bed units and 1 x studio unit. There is one flat per floor with flat 3 located at first floor level and flats 2 located at 2<sup>nd</sup> floor level, the studio flat 1 located on the 3<sup>rd</sup> floor. Flat 3 at 1<sup>st</sup> floor level is approximately 43m<sup>2</sup> and flat 2 at 2<sup>nd</sup> floor level is also approximately 43m<sup>2</sup>. The studio flat 1 located at 3<sup>rd</sup> floor level is approximately 35 m<sup>2</sup> meaning all the flats do not meet the London Plan internal space standards.

#### Housing Mix:

Policy H7 aims to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce the mismatches between housing needs and existing supply. In this respect housing developments are expected to contribute to meeting the priorities set out in the dwelling size priorities table. The dwelling size table (Table 1) of policy H7 shows that there is a high priority for 2 and 3 bedroom units within the borough, whilst showing a lower priority for 1 and 4 bedroom units.

In this case, the 1 x1 bedroom studio unit that has been created is contrary to the required housing needs. Furthermore the loss of a 3 –bedroom unit is considered unacceptable for the creation of two x substandard 2 bed units.

#### Parking:

Given that two additional residential units have been created, the Council would have expected these units to be car-free development in order to comply with policy T2, which aims to limit the availability of parking within the Borough. Policy T2 (a) stipulates that the Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-

street parking permits. As all new developments should be subject to car-free parking, the development is contrary to Council policy and in the absence of a S106 legal agreement to secure car-free housing in respect of the additional units that have been created the proposal is considered to be unacceptable in transport terms.

Recommendation:

The Borough Solicitor be instructed to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 as amended, to secure the cessation of the use of the first, second and third floors of the property as 3 self-contained flats comprising 2 x two bed units and 1 x studio unit. The restoration of its use as one self-contained 3 bed residential unit, and to authorise that in the event of non-compliance, to prosecute under Section 179 or other appropriate power and/or take direct action under section 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

Unauthorised conversion of the first, second and third floors from 1 x self-contained 3 bed flat to 3 self-contained flats comprising 2 x two bed units and 1 x studio unit

WHAT ARE YOU REQUIRED TO DO:

- 1) Cease the use of the first, second and third floors as 3 self-contained flats comprising 2 x two bed units and 1 x studio unit removing all kitchen facilities from second and third floors.
- 2) Restore the first, second floors and third floors to its original use as one single self-contained flat; and
- 3) Make good any damage caused as a result of the above works

PERIOD OF COMPLIANCE: 6 Months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

- a) It appears to the Council that the above breach of planning control has occurred within the last 4 years.
- b) The proposed conversion to 3 self-contained flats comprising 2 x two bed units and 1 x studio unit by virtue of being under-sized have resulted in the provision of sub-standard accommodation to the detriment of existing residential amenity and is contrary to policy H6 of Camden's Local Plan 2017
- c) The development by virtue of its provision of 3 self-contained flats comprising 2 x two bed units and 1 x studio unit is considered to be unacceptable as it fails to provide a mix of units in line with the Council's dwelling size priorities table, and is thereby contrary to policy H7 of Camden's Local Plan 2017
- d) In the absence of a S106 agreement to designate two of the units as car-free housing, the development would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and is thereby contrary to policy T2 of Camden's Local Plan 2017