

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>26/07/2018</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>			
<b>Officer</b>				<b>Application Number(s)</b>			
Leela Muthoora				1. 2018/1550/P 2. 2018/1495/L 3. 2018/2180/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
1 St Chad's Street London WC1H 8BD				See draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
1. Change of use from residential dwellinghouse (Class C3) to House in Multiple Occupation (Class C4). 2. Internal and external alterations associated with the change of use from a single dwellinghouse (Class C3) to a House in Multiple Occupation (Class C4) including replacement door and window to basement, addition of soil pipe, internal partition to basement, kitchen, bathroom and internal doors. 3. Replacement window and door to basement light well and installation of new soil pipe to rear elevation.							
<b>Recommendation(s):</b>		1. Grant certificate for lawful development (proposed) 2. Grant listed building consent and warning of enforcement action 3. Grant planning permission					
<b>Application Type:</b>		1. Certificate for lawful development (proposed) 2. Listed Building Consent 3. Full Planning Permission					

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>00</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
Summary of consultation responses:	<p>A site notice was displayed between 02/08/2018 to 26/08/2018. A press notice was published in the local newspaper on 03/08/2018.</p> <p>We have received an objection to the application on the following grounds:</p> <p>A change from a single residential unit to a bedsit will increase the number of temporary residents in the area. This has a detrimental impact on the local community and should be avoided.</p> <p><i>Officer's response</i> The existing shared house has 6 bedrooms and the proposed HMO will have 6 bedrooms. Therefore the number of occupants is not expected to rise. The applicant has described the proposed rooms as bedsits, with a single occupant per room sharing one kitchen and 4 bathrooms. The second floor bedroom has an ensuite shower room and toilet. The number of kitchens stays the same and the number of bathrooms is increased by one. Therefore, it is reasonable to expect the number of occupants will remain the same as the current arrangement.</p> <p><i>The application for the change of use cannot be assessed against national and local policy as it is a legal determination assessed against the criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, otherwise known as permitted development rights.</i></p> <p><i>Issues of impact on amenity cannot be assessed in the determination as this is a legal determination and London Borough of Camden policy and guidance cannot be taken into account.</i></p> <p><i>Whilst the change of use from a single family dwelling house (Class C3) to a House in Multiple Occupation (Class C4) is permitted by planning legislation, HMO's require a license from the Council under section 64 of the Housing Act 2004.</i></p>					
Kings Cross CAAC comments:	<p>Kings Cross CAAC objected on the following grounds:</p> <p>"You may know that Gavin Stamp (a trustee of the Twentieth Century Society) restored No.1 St Chads Street, and lived in it when not many people like him lived in this vicinity, and he would be appalled - as I am - at the thought that this house might suffer the changes that are being proposed, both in terms of use and the material changes including fenestration.</p> <p>In October 2011 the original front door was replaced by a bland plastic alternative that was nothing like the original door, and I attach photographs of both. It would be a great pity if one of the few Listed single dwelling houses in this part of the Conservation Area was converted to another HMO, particularly when it had been so sensitively refurbished as a family home. I realise that some of the interior has been wrecked already, but there is no need to do more damage to what was a very attractive Listed family house."</p> <p><i>Officer's response</i> The replacement front door was investigated by the Council's enforcement team in 2011. Whilst it was accepted that the replacement door was not timber it was similar to the previous door. At the time, there were two examples of non-traditional</p>					

	<p><i>doors in the terrace and as the historic features were still in place in the host building, the enforcement and conservation team did not consider the replacement harmful enough justification to warrant enforcement action.</i></p> <p><i>The change of use from single family dwelling (Class C3) to House in Multiple Occupation (Class C4) is permitted development as addressed above and in section 3 below.</i></p>
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## Site Description

The application site comprises an end of terrace property within a terrace of 7 houses built circa 1827-9. Numbers 2-7 are in hotel use. The site is arranged over 5 storeys, situated on the northern side of St Chad's Street, close to its junction with Gray's Inn Road to the east.

The property is a Grade II Listed Building within the King's Cross St Pancras Conservation Area.

Alterations to the basement light well door and window have been carried out without planning permission or listed building consent. Works to rectify this are included as part of the application.

## Relevant History

**TP4770/20178** - To change the use of from residential to hotel. **Refusal 08/01/1964**

**TP4770/1964** - To convert the premises from three flats to seven bed-sitting rooms. **Refusal 22/07/1964**

**8870030** - Reinstatement of period glazing to ground floor front window – **Granted 23/03/1988**

**9470128** - External and internal alterations. **Granted 17/06/1994**

**LS9604329** - Internal and external alterations. **Granted 06/03/1997**

**LS9704525** - Approval of details of structural design, new doors, chimney pieces, landscaping and relocated services, pursuant to additional conditions 3(a-f), 5 and 6 of listed building consent (Reg.no.LS9604329) dated 6th March 1997. **Granted 24/07/1997**

**PSX0304129/P** - Erection of a roof extension in connection with existing dwelling house. **Granted 23/07/2003**

**LSX0304196/L** - Erection of a roof extension in connection with existing dwelling house. **Granted 23/07/2003**

**2014/0146/P** - Erection of three storey rear extension at basement, ground and first floor level following the excavation at basement level and conversion of house to 3 residential flats (1x1 bed, 1x2 bed and 1x3 bed). Installation of new staircase to front lightwell. **Withdrawn 22/07/2014**

**2014/0358/L** - Internal and external alteration for the erection of three storey rear extension at basement, ground and first floor level following the excavation at basement level and conversion of house to 3 residential flats (1x1 bed, 1x2 bed and 1x3 bed). Installation of new staircase to front lightwell. **Withdrawn 22/07/2014**

**2014/6347/PRE** LBC pre-app - Application for alteration to a grade II listed terrace house property over 3 storeys with basement and attic. The building appears to have been subject to few alterations, internally and externally, and retains the original plan form and largely unaltered rear elevation. The proposals comprise internal alterations to the building, in order to form 3 self-contained residential units and rear extension – Pre-app issued - **24/03/2015**

**2016/1227/P** - Conversion of dwelling to provide 5 flats (5x1 bed) and erection of single storey rear ground floor extension – **Refused 21/06/2016**

**2016/2074/L** - Internal alterations associated with the conversion of dwelling to provide 5 flats (5x1 bed) and erection of single storey rear ground floor extension – **Refused 21/06/2016**

**2016/5414/P** - Conversion of existing single family dwelling to provide 2 flats (1x 4 bedroom and 1x1 bedroom) and erection of external staircase from basement to ground floor level within front lightwell, new entrance gate within ground floor front railings and new balustrade around rear stairs at garden level (Class C3). **Refused 23/03/2017**

**2016/5716/L** - Internal alterations and external alterations associated with the conversion of the existing single family dwelling to provide 2 flats (1x 4 bedroom and 1x1 bedroom), and erection of

external staircase from basement to ground floor level within front lightwell, new entrance gate within ground floor front railing, new balustrade around rear stairs at garden level and internal alterations (Class C3). **Granted 23/03/2017**

Enforcement cases

**EN11/0331:** Replacement of front door. Not expedient 24/10/2011

**EN16/0538**) has been raised concerning internal and external works (insertion of a modern front door, a glazed door within the entrance hall, blocking up the decorative elements within the hallway, uPVC door and windows installed within the light well at basement level and conversion of the one vault to a bathroom) carried out at the property. This matter is under investigation and subject to the associated applications 2018/2180/P and 2018/1495/L.

### **Relevant policies**

**Town and Country Planning (General Permitted Development) (England) Order 2015.**  
**National Planning Policy Framework 2019**

**The London Plan 2016**

**London Borough of Camden Local Plan 2017**

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

**Camden Supplementary Planning Guidance**

CPG (Design) 2019

CPG (Amenity) 2018

**King's Cross and St Pancras Conservation Area Statement 2003.**

## Assessment

### 1.0 Proposal

1.1 Certificate of lawful use is sought for:

1.1.1 Change of Use from single family dwelling house (Class C3) to house in multiple occupation (Class C4).

1.2 Planning permission is sought for the following works:

1.2.1 Following unauthorised replacement door and half window within the front basement light well, the proposal seeks permission for timber four panel door and a timber half window consisting of four over four glazing panels.

1.2.2 New cast iron soil pipes to attach to the existing on the rear elevation.

1.3 Listed building consent is sought for the above works, and

1.3.1 Internal alterations including installation of an internal partition wall to the basement,

1.3.2 A new opening for an internal door to the kitchen within the basement,

1.3.3 Replacement internal timber four panel doors within the existing frames and openings.

1.4 Revisions. The following revisions were made at the planning and conservation officers' advice that they were considered inappropriate for this Grade II listed building.

1.4.1 Omit a proposed double glazed upvc window to the kitchen front basement lightwell

1.4.2 Revise the external door and half window to the kitchen front basement lightwell from double glazed upvc to single glazed timber.

1.4.3 Omit the proposed glazed balustrade at rear ground level.

### 2.0 Assessment

2.1 The material planning considerations in the determination of this application are:

2.1.1 Change of use from single dwelling house Class C3 to house in multiple occupation Class C4.

2.1.2 Design (impact of the proposals on the character and appearance of the host listed building and wider Kings Cross St Pancras Conservation Area)

2.1.3 Heritage (impact of the proposal on the special interest of the listed building and wider conservation area)

2.1.4 Amenity (impact of the proposals on the amenity of neighbouring residents in terms of daylight, outlook and privacy).

### 3.0 Change of use from single dwelling house Class C3 to house in multiple occupation Class C4.

3.1 For the purposes of Class C3 'single dwelling house' shall be interpreted as a

(a) those living together as a single household as defined by the Housing Act 2004 (basically a 'family');

(b) those living together as a single household and receiving care, and

(c) those living together as a single household who do not fall within the C4 definition of a house in multiple occupation.

3.2 For the purposes of Class C4 a 'house in multiple occupation' (HMO) in broad terms, the C4 class covers small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities. It does not include a converted block of flats.

3.3 Large houses in multiple occupation (those with more than 6 people sharing) are unclassified by the Use Classes Order. In planning terms they are described as being sui

generis (of their own kind). In consequence, a planning application would be required for a change of use from a dwelling house to a large HMO or from a Class C4 HMO to a large HMO where a material change of use is considered to have taken place. Given the certificate of lawfulness application is not for more than 6 people, this is not a 'large HMO'.

3.4 The proposal is for 6 'bedsits', that is, six bedroom/sitting rooms which share one kitchen and share four bathrooms. They would not be self-contained. As such, a proposed change of use from the existing Class C3 to Class C4 (by not more than six residents) would be permitted in so far as the proposed unit accords with Class C4 use as defined under the Use Classes Order and also the requirements of Class L of the General Permitted Development Order set out below:

If yes to any of the questions below the proposal is not permitted development		Yes/ no
L.1(a)	Would the development result in the use as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule?	No
L.1(b)	Would the development result in use as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule?	No

3.5 Therefore, under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed change of use from Class C3 to Class C4 is considered to be permitted development and does not require formal planning permission.

#### 4. Design

4.1 The proposal seeks to regularise a replacement door and side window within the basement light well and permission for new pipework to the rear elevation. The unauthorised existing uPVC door and window have a detrimental impact on the host building due to the use of inappropriate materials and design.

4.2 Following officer advice, amendments have been made to the design and materials of the proposed replacement door and window within the basement light well, to match the period of the host building. The replacement door and window matches the originals as closely as possible in terms of type, materials, glazing patterns and detailing, which are considered to be sympathetic to the building in materials and design which would not harm the special interest of the host building.

4.3 The additional pipework to the north-west facing rear elevation of the subject property is considered acceptable due to the design, materials and minor nature of the proposed works which would preserve the character and appearance of the host building and Kings Cross St Pancras Conservation Area.

#### 5. Impact on Listed building

5.1 External alterations have been carried out prior to this application and were subject to enforcement action. Following officer advice that The Council will resist the loss of original details, the applicant seeks to reinstate a door and window to the front basement light well and proposes internal alterations to enable the use as a house in multiple occupation.

5.2 Following officer advice, amendments have been made to the design and materials of the proposed replacement door and window within the basement light well, to match the period of the host building as closely as possible in terms of type, materials, glazing patterns and

detailing. The conservation officer has reviewed the amendments and considered the works appropriate as they are sympathetic in materials and style and would not harm the special interest of the host building. The additional pipework to the north-west facing rear elevation of the subject property is considered acceptable in design and materials. Due to the minor nature of the proposed external works they are considered to preserve the character and appearance of the host building and King's Cross St Pancras Conservation Area.

5.3 The internal alterations to insert a partition wall to divide the basement room and relocate an internal doorway are considered to be appropriate. It was noted on the site visit that the basement internal wall had been removed in the past and the partition would reinstate the room. The new opening for the internal door at basement level would be in its original position. The proposed bathrooms will be fitted within the existing layout on the upper floors and do not include alterations to internal elevations or any architectural detailing that remains. The proposal would replace the existing blank panel ply doors with appropriate 4 panel timber doors. The conservation officer has reviewed the submission and considered the works appropriate, therefore, the internal alterations are considered acceptable as they would retain the historic layout and would preserve the original form and proportions of the rooms.

## 6. Amenity

6.1 The replacement door and window would be within the same openings and the pipework alterations that will be sited behind and attached to the existing soil pipe. Due to the minor nature of the alterations, the proposals are not considered to significantly harm the amenity of neighbouring occupiers as they would not result in any increase of overlooking or light pollution, or loss of outlook or privacy.

## 7. **Recommendations:**

7.1 **Grant Lawful Development Certificate for Proposed Use**

7.2 **Grant Planning Permission**

7.3 **Grant Listed Building Consent and Warning of Enforcement Action**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 1st April 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***