

20 June 2019

Planning and Building Development
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Dear Sir/Madam

**55 Heath Street, Hampstead, NW3 6UG
Certificate of Proposed Lawful Development (to accommodate Change of Use under Schedule 2, Part 3, Class G of the GDPO)**

On behalf of the applicant, Carwin Limited, please find enclosed an application for a Certificate of Lawful Proposed Development.

This Certificate application seeks confirmation from the Council that a change of use of first and second floor from Class A2 to Class C3 use to provide 2x 1 bed residential units with associated internal changes can be lawfully carried out without the need for planning permission by virtue of the provisions within:

Town and Country Planning (General Permitted Development) (England) Order 2015.

Schedule 2

Part 3 : Changes of use

Class G : Retail or betting office or pay day loan shop to mixed use

In light of this application, please find enclosed the following:

- Completed application forms;
- A site location plan;
- Existing drawings, prepared by Oak Green Services Ltd;
- Proposed drawings, prepared by Oak Green Services Ltd; and
- Current Lease of the Estate Agent Occupier.

The application fee of £462 will be paid separately via the Planning Portal.

Site and Surroundings

55 Heath Street is a three storey building consisting of an occupied Class A2 (Estate Agents) use. The ground floor is of a design typical to a high street, with a large retail frontage on the front elevation. Access to the ground floor is served by a door on this front elevation. Access to the two upper floors of the building is via an internal staircase.



Figure 1: The site

The site lies within the Hampstead Conservation Area.

The building is not statutorily listed.

Existing Use

The entire building is currently leased to an Estate Agent under a ten year lease, however as the below photographs indicate, the day to day functionality of the businesses relies predominantly on the ground floor area. The two upper floors are largely empty or underused.



Figure 2: first floor A2 use



Figure 3: Second floor unoccupied A2 use

The entire property is let to Chancellors Estate Agency as confirmed by the September 2010 lease enclosed with this application. No separate or self-contained access is provided to the upper floors of the building, which are accessed only via an internal staircase from the ground floor and for use only by the tenant. This confirms

that the premises are functionally and physically linked and operate as a single use under class A2 of the use classes order.

Prior to the occupation of the property by Chancellors Estate agents, it was occupied by Anscombe & Ringland estate agents as shown in the streetview capture image from June 2008 below:

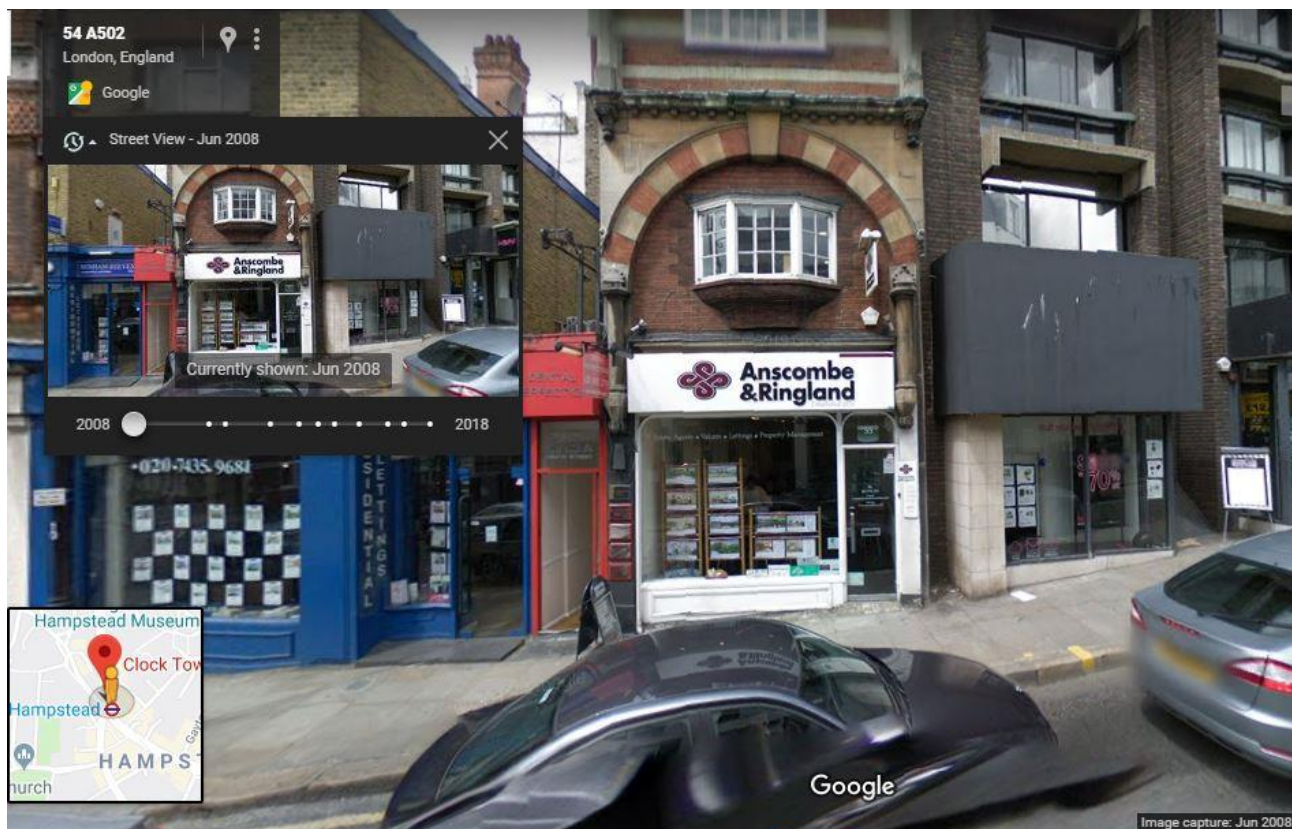


Figure 4: Streetview image (June 2008)

Proposed Use

This application seeks to confirm that the conversion and use of the first and second floor of the property as 2x 1 bedroom residential flats is lawful development by virtue of the relevant provisions in the GPDO.

The relevant provisions in the GPDO are Schedule 2, Part 3, Class G, of the Town and Country Planning (General Permitted Development) (England) Order 2015. The relevant element of Part 3 Class G states:

G. Development consisting of a change of use of a building—

(c) from a use—

(i) for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or

(ii) as a betting office or a pay day loan shop,

to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats

Development permitted by Class G is subject to the following conditions—

(a) some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i) by a single person or by people living together as a family, or

(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

The proposed Change of Use is considered to comply fully with the requirements of Part 3 Class G for the following reasons:

- The whole property is in use as Class A2.
- Two flats are provided, therefore complying with the limitation on flat numbers
- The ground floor will remain in Class A2 use (complying with Condition (a) and (b))
- The flats are designed for single occupation (it is noted flats created under Permitted Development Rights do not have to comply with the Housing Size standards)
- No external alterations to the property are proposed- the entrance to the flats is dealt with by way of an internal lobby behind the retained entrance to the A2 use.

Summary

For the reasons set out above, we therefore seek confirmation that the Council deems that the change of use from Class A 2 to Class C3 residential for 2x 1 bedroom flats at first and second floor of the subject property can lawfully occur, without the need for planning permission, under Schedule 2, Part 3 (changes of use) Class G (retail or betting office or pay day loan shop to mixed use) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

I trust that the application is in order and look forward to receiving confirmation that it has been validated. If you have any queries or require any further information, please do not hesitate to contact me as above.



Yours faithfully

A handwritten signature in black ink that reads "Savills". The signature is written in a cursive style, with the letters being somewhat stylized and connected.

Charlotte Wheeler
Senior Planner