

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2019/3214/P
<b>Officer</b>		<b>Expiry date</b>	
Samir Benmbarek		16/08/2019	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
55 Heath Street London NW3 6UG			
<b>Conservation Area</b>		<b>Article 4</b>	
Hampstead Conservation Area		Basements A1to A2 B1a to C3	
<b>Proposal</b>			
Change of use of first and second floor levels from financial and professional services (use A2) to residential (use C3) to provide 2x 1bedroom self-contained flats with associated internal reconfigurations to building			
<b>Recommendation:</b>		Approve	
<p><b>Application Site:</b> No. 55 Heath Street is a three-storey building comprising of A2 (financial and professional services) floorspace at ground, first and second floor levels. The building is currently occupied by an Estate Agents (Chancellors).</p> <p>The building is located on the western side of Heath Street. The building is located within the Hampstead Conservation Area and within the geographical area covered by the Hampstead Neighbourhood Forum. It is not a listed building.</p>			
<b>Planning History:</b>			
2011/3413/A- Display of 1x internally illuminated facia sign and 1x projecting sign. Granted 06/09/2011.			

**Assessment:**

- 1.1 In determining whether the change of use is lawful for the purposes of issuing a certificate to that effect, the onus is on the applicant to demonstrate the works either do not require planning permission, benefit from permitted development rights or are immune from enforcement action.
- 1.2 The applicant refers to the Town and Country Planning (General Permitted Development) Order 2015 in support of this application alleging that the works benefit from permitted development rights.
- 1.3 Specifically, Schedule 2, Part 3, Class G of the GPDO order is referred to. This regards the *“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 of to the Use Classes Order to a mixed use for any purpose within Class A2 (financial and professional services) of that schedule and as up to 2 flats”*.
- 1.4 Development permitted by Class G is subject to the following conditions (G.1)-
- a) Some of all of the parts of the building used for any purposes within 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).
- 1.5 The proposal complies with Class G (subsection C) as the first and second floors of No. 55 Heath Street are being converted into residential (C3) use to provide the maximum of 2x self-contained flats. The ground floor Estate Agents would be retained which would be a floor below the lowest part of the building used as a flat. The ground floor would not be used in whole or in part as residential with the access stairs being relocated at ground floor level only. The proposed use of the first and second floor are as 2x self-contained flats only for typical domestic residential use.
- 1.6 The proposals therefore comply with the conditions of Class G of Schedule 2, Part 3 of the GPDO 2015 and is therefore permitted development and is lawful in planning terms

**Recommendation:** Approve