

## **Lawful Development Certificate Report**

### **Site: 136-138 Kentish Town Road NW1 9QB**

#### THE APPLICATION

This submission pursuant to S.192 of the Town and Country Planning Act 1990 (as amended) concerns the proposed conversion of the existing first floor lower rear office at 136 – 138 Kentish Town Road to a 2 bedroom flat in accordance with an extant consent. A Lawful Development Certificate is sought.

#### THE PLANNING HISTORY

The freehold of the property is owned by P + T Holdings Ltd. The applicant Philip Andrews, who has produced a statement to accompany this application, is the Company Secretary and a Director of this company, see Appendix 1. He has first-hand knowledge of property from 1995 and has been directly involved in the management and use of the property from 2008 to date.

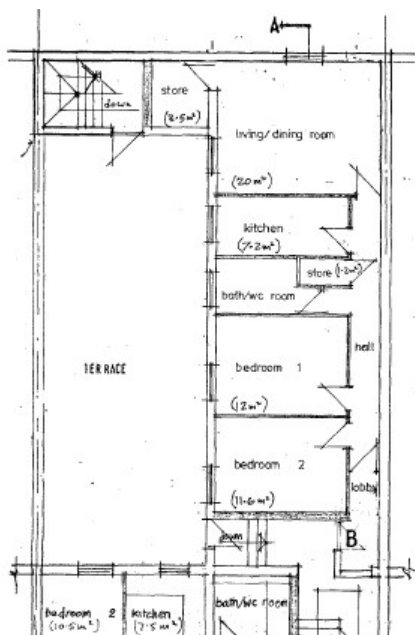
The background is that in 1982 planning permission was granted for use of the mezzanine, 1<sup>st</sup> and second floors on 136 – 138 Kentish Town Road as offices in pursuant to reference 34025. A copy of the decision notice is produced in Appendix 2.

In 1997 planning permission was granted for the change of use of the first and second floors of the property from B1 offices to four number 2 bedroom self-contained flats. A copy of the decision notice and plans are produced in Appendix 3.

Subsequently the conversion of the first and second floor front flats was implemented in accordance with the approved plans (Flats A and D). These were registered for Council Tax on the 16/08/1999. Evidence of this is produced in Appendix 4. As such the planning permission was part implemented, with the remainder of the permission staying extant with no time limit for completion.

Notwithstanding the lawful conversion of part of the building into residential use in accordance with the 1997 planning permission the lawful use of the first floor rear as an office pursuant to the 1982 permission continued. Evidence of this use is produced in the Business Tax records produced at appendix 5.

This area is shown as Flat B in the 1997 approved plans for conversion to residential flats, extract follows:



The only barriers in law to the completion of a lawfully part implemented planning permission are as follows:

- the permission is conditional upon it ceasing at a particular time
- another later permission for development which renders the previous permission incapable of implementation/completion has taken place.
- The collapse or demolition of an old building being converted for a new use, where retention of the old structure was the justification for the permission.
- the building is demolished or otherwise destroyed.
- where a building has been constructed differently from the details shown in approved plans.

None of these circumstances apply, as such it is concluded that the completion of the permission by the change of use of the existing office on the lower first floor level at the rear of the property, shown as Flat B on the approved plans, is lawful.

#### CONCLUSION:

On the basis of the evidence provided it is clear that the proposed conversion of the first floor rear of the property into a two bedroom flat in accordance with the scheme approved in 1997 will not require any further planning consent. It is therefore requested that a Lawful Development Certificate be issued to confirm this.

Mrs R K Lord MSc MRTPI 29/10/2020

## Appendix 1

**T + P HOLDINGS LIMITED**Company number **01717778**[Follow this company](#)[File for this company](#)[Overview](#)[Filing history](#)[People](#)[Charges](#)[More](#)[Officers](#)[Persons with significant control](#)**Filter officers** Current officers**7 officers / 4 resignations****[ANDREW, Philip](#)**

Correspondence address

**Unit 2 No 53, Hargrave Road, London, England, N19 5SH**Role **ACTIVE****Secretary**

Appointed on

**19 March 2008**

Nationality

**British**

Occupation

**Manager**

## Appendix 2

London Borough of Camden



CTP X

Planning and Communications Department  
 Camden Town Hall  
 Argyle Street Entrance  
 Euston Road  
 London WC1H 8EQ  
 Tel: 278 4366

Item No. 9

~~B. Dickenson~~  
 Director of Planning and Communications

Salter Rex  
 265/267 Kentish Town Road  
 London  
 NW5

Date 20 JUL 1982

Your reference

RC/GJD  
 Our reference

C11/27/B/34025  
 Telephone inquiries to:

Mr Hillman

Ext. 332

Dear Sir(s) or Madam,

**TOWN AND COUNTRY PLANNING ACTS**  
**Permission for development (conditional)**

The Council, in pursuance of its powers under the above-mentioned Acts and Orders made thereunder, hereby permits the development referred to in the undermentioned Schedule subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is drawn to the Statement of Applicant's Rights and to the General Information set out overleaf.

**SCHEDULE**

Date of application: 23rd April 1982

Plans submitted: Reg.No: 34025 Your Notis: H.2038/1 and H.2038/2

Address: 136/138 Kentish Town Road, NW5

Development:

Use of the Mezzanine, 1st and 2nd floors as offices.

**Standard condition:**

The development hereby permitted must be begun not later than the expiration of five years from the date on which this permission is granted.

**Standard reason:**

In order to comply with the provisions of section 4 of the Town and Country Planning Act 1971.

**Additional condition(s):** The offices hereby permitted shall only be used as offices for architects, solicitors, accountants or other office uses providing a local service and for no other purpose within Class 11 of the Town & Country Planning (Use Classes) Order 1972 without the prior written permission of the Council.

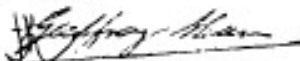
All correspondence to be addressed

November 1977

**Reasons for the imposition of conditions:**

So as to ensure compliance with the Council's policy to resist the increase of office floorspace except where it provides a desirable service to the local community as expressed in paragraph 3.17 of the District Plan Written Statement and paragraph 6.15 of the Draft Review of the District Plan Written Statement.

Yours faithfully,



Director of Planning and Communications  
(Duly authorised by the Council to sign this document)

**Statement of Applicant's Rights Arising from the Grant of Permission subject to Conditions**

1. If the applicant is aggrieved by the decision of the local planning authority to grant permission or approval subject to conditions, he may appeal to and on a form obtainable from the Secretary of State for the Environment, Tullgate House, Houlton Street, Bristol, BS2 9DJ, in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. (The statutory requirements include Sections 70 and 77 of the Act.)
2. If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interests in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Act.

**General Information**

This permission is given subject to the time limit conditions imposed by the Town and Country Planning Act 1971, and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

Your particular attention is drawn to the provisions of the London Building Acts 4930-39, and the by-laws in force thereunder which must be complied with to the satisfaction of the District Surveyor, whose address may be obtained from this office.

I would also remind you that the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either this land or any other land or the rights of any persons (including the London Borough of Camden) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property. In this connection applicants are advised to consult the Director of Works, Old Town Hall, Haverstock Hill, NW3 4QP, regarding any works proposed to, above or under any carriageway, footway or forecourt.

It is also necessary to obtain Listed Building Consent before any works of demolition, extension or alteration (internal or external) are undertaken to a building included in the Statutory List of Buildings of Architectural or Historic Interest or before any works of demolition are undertaken to a building within a designated Conservation Area.

A planning permission does not constitute a Listed Building Consent.

### Appendix 3

Dear Sir(s)/Madam

#### DECISION

Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure)  
Order 1995  
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT - Subject to Conditions

Address :  
136-138 Kentish Town Road, NW1

Date of Application : 26/09/1997

Proposal :

Change of use of the first and second floors from B1 offices to four two-bedroomed self-contained flats and the formation of a roof terrace including railings at third floor level. As shown on drawing nos. 9702/1, 02B, 3A.

The Council has considered your application and decided to grant permission subject to the following conditions:

Standard condition:

The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

Standard Reason:

In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.



**Development Control  
Planning Services**  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND  
Tel 0171 278 4444  
Fax 0171 314 1975

Additional conditions:

- 1 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified on the approved application.

Reasons for additional conditions:

- 1 To ensure that the Council may be satisfied with the external appearance of the building.

This application was dealt with by Mark Woodger on 0171 278 4444 ext.2682.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

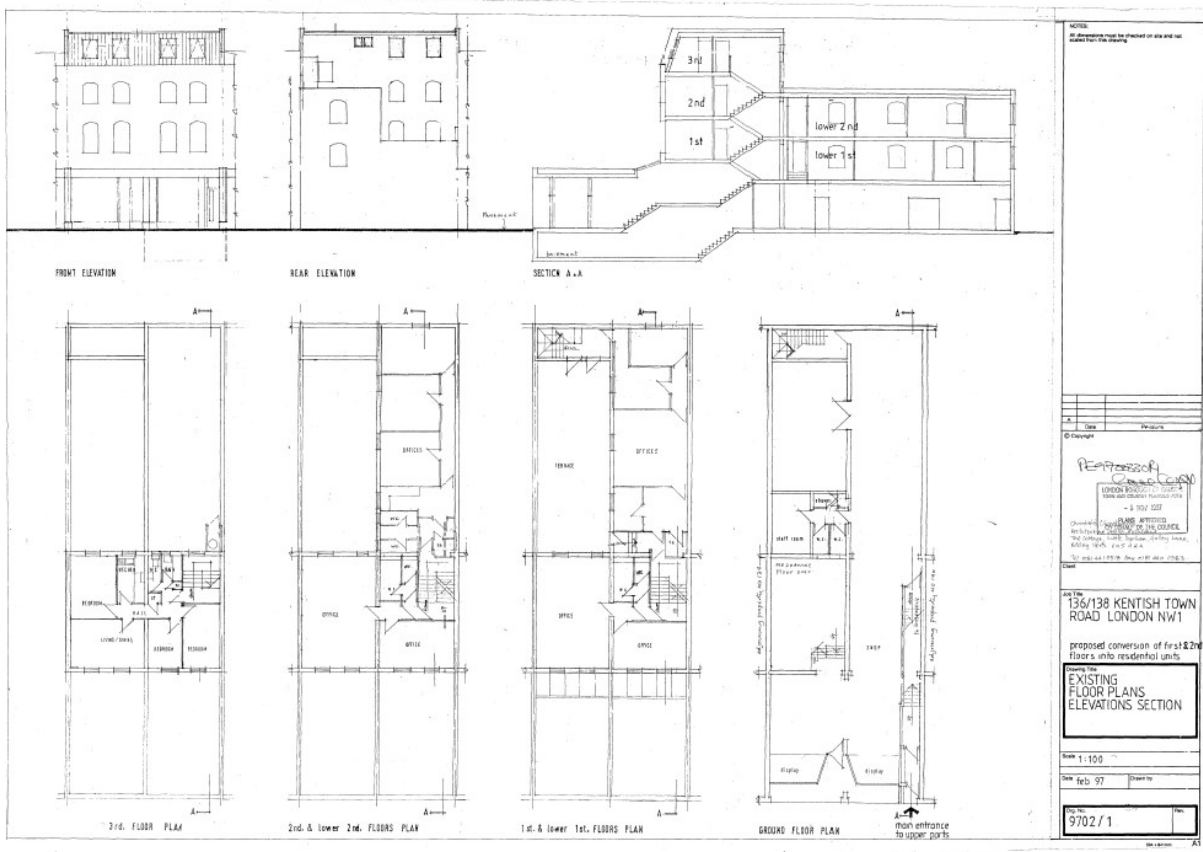
Yours faithfully

A handwritten signature in black ink, appearing to read "M.W. Gilks".

Environment Department  
(Duly authorised by the Council to sign this document)

DecfplanWC/TPFU

Director Mark Gilks BA(Hons).M.Soc.Sc.,MRTPI





## Appendix 4

Below is a list of Council Tax details for this property. Use the 'Challenge' link(s) in the table below if you think a previous Council Tax band is wrong.

**FLAT 1ST FLR FRONT 136-138, KENTISH TOWN ROAD, LONDON, NW1 9QB**

Last updated on 11/10/2020

Local authority reference number	Council Tax band	With effect from	Mixed use property	Court code	Valuation list
5122008	D	16/08/1999	No		1993 <a href="#">Challenge</a>

### Key to the table

**Council Tax band** - this determines how much Council Tax you pay.

† Show help

**Mixed use property** - a property can have a domestic or mixed use - "yes" identifies a mixed use property.

**Court code** - a court code shows the Council Tax band has been reviewed by a Valuation Tribunal or the High Court.

† Show help

**Valuation list** - this identifies all properties "banded" for Council Tax purposes.

† Show help

Below is a list of Council Tax details for this property. Use the 'Challenge' link(s) in the table below if you think a previous Council Tax band is wrong.

**FLAT 2ND FLR FRONT 136-138, KENTISH TOWN ROAD, LONDON, NW1 9QB**

Last updated on 11/10/2020

Local authority reference number	Council Tax band	With effect from	Mixed use property	Court code	Valuation list
5122010	D	16/08/1999	No		1993 <a href="#">Challenge</a>

### Key to the table

**Council Tax band** - this determines how much Council Tax you pay.

† Show help

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† Show help

**Valuation list** - this identifies all properties "banded" for Council Tax purposes.


† Show help

## Appendix 5

1 St Fl Rr 136-138, Kentish Town Road, London, NW1 9QB

### 1 April 2017 - present

Your rateable value is £12,500.00

 This is not the amount you will pay.

[Open all](#)

#### Valuation information

+

#### How the valuation was calculated

-

##### Parts of the property

Floor	Description	Area m <sup>2</sup> /unit	Price per m <sup>2</sup> /unit	Value
First	Office	63.1	£200.00	£12,620.00
<b>Total</b>		<b>63.1</b>		<b>£12,620.00</b>

**Total value** £12,620.00

1 St Fl Rr 136-138, Kentish Town Road, London, NW1 9QB

### 1 April 2010 - 31 March 2017

Your rateable value was £11,250.00

 This is not the amount you will have paid.

[Open all](#)

#### Valuation information

+

#### How the valuation was calculated

-

##### Parts of the property

Floor	Description	Area m <sup>2</sup> /unit	Price per m <sup>2</sup> /unit	Value
First	Office	63.1	£180.00	£11,358.00
<b>Total</b>		<b>63.1</b>		<b>£11,358.00</b>

**Total value** £11,358.00