

LDC (Proposed) Report		Application number	2020/5448/P
Officer		Expiry date	
Adam Greenhalgh		18/01/2021	
Application Address		Authorised Officer Signature	
136-138 Kentish Town Road London NW1 9QB			
Conservation Area		Article 4	
No		Yes – Office (Use Class B1a) to residential (Use Class C3)	
Proposal			
<p>Conversion of office spaces at rear on first floor to a two bedroom flat. In 1997 planning permission was granted (PE9700330R1 for the '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').</p> <p>The application advises that PE9700330R1 was part implemented by way of the conversion of the front of the first and second floors to two two bedroom self-contained flats and that these were registered for Council tax on 16/08/1999.</p> <p>The proposal is to undertake the conversion of the first floor rear offices to a two bedroom flat as per the proposed first floor plan submitted within application PE9700330R1.</p>			
Recommendation:		Grant certificate	

The application site

The application site is located on the eastern side of Kentish Town Road approximately 400m south of Kentish Town station. It comprises a four storey building with a single storey commercial unit at the front on Kentish Town Road and a three storey extension to the rear. The application relates to the first floor of the three storey rear extension. It is vacant and was last in use (October 2020) for offices.

The building is not listed and is not located a Conservation Area. It is located in Area 1 of the Article 4 Direction on changes of use from offices (B1) to residential (C3) which came into effect on 19/10/2015.

Planning history

G11/27/D/34025 - Use of the Mezzanine, 1st and 2nd floors as offices – granted 20/07/1982

PE9700330R1 - 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 – granted 07/11/1997

2004/4144/P - The change of use and works of conversion of the existing loft space, over the 3-storey (lower) rear addition, from ancillary storage and plant space to use as a 2 bedroom self-contained flat together with the insertion of window openings and balcony space to the north side elevation – granted 19/11/2004 (No plans available)

Assessment:

This application is for the use of the first floor of the rear of the building as a two bedroom flat as per the proposed drawings under planning permission PE9700330R1 granted 07/11/1997. The application is for a Certificate of Lawfulness for the proposed use and the application is made on the basis that the development has planning permission under PE9700330R1 which has been implemented.

A development the subject of a planning permission is lawful if the planning permission is commenced and if:

- there is no condition relating to the cessation of the planning permission
- there is no later planning permission which has rendered the original planning permission defunct
- the premises have not been demolished or converted to another use
- the premises are as shown on the approved plans

Evidence has been submitted (and checked) to demonstrate that planning permission PE9700330R1 was lawfully commenced. A witnessed statement by the owner of the building testifies to the conversion of the first and second floors at the front of the building to flats in the summer of 1999 (Note: Planning permission PE9700330R1 was subject to a condition that the development had to be begun before 26/09/2002).

A search of the Valuation Office Agency confirms that the first and second floor (fronts) are NOT rated for business purposes.

Applications for Building Control approval for flats on the first and second floors were submitted in 1997 & 1999.

An application was submitted for conversion of the 1st & 2nd floors into 4 self-contained flats. formation of stores & roof terrace at 3rd floor. (Ref: 97/1/0631)

An application was submitted on 19/11/1999 (commencement date) for conversion of 1st & 2nd floors front and rear into four self-contained flats including formation of stores and roof terrace at 3rd floor level. (Ref: 99/1/0605).

Council tax records indicate that there has been a flat on the first floor at the front since at least 2002. Works started in 1999 over various dates.

There is conclusive evidence that planning permission PE9700330R1 was lawfully commenced and, in the absence of any subsequent planning permissions which render the permission defunct, a change in the use of the premises or the demolition of the premises, the proposed use of the first floor rear premises as a two bedroom flat (as shown on drawing 9702/B approved under PE9700330R1) is lawful and a Certificate of Lawfulness for the proposed use should be granted.

Recommendation:

Grant Certificate of Lawfulness for proposed use