

363 West End Lane
London
NW6 1LP

DESIGN & ACCESS STATEMENT: PD Prior Notification for change of use



Prepared by:



Prepared for:

Heritage Architecture

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Stephen Levrant Heritage Architecture. Ltd.
62 British Grove, Chiswick, London W4 2NL
T: 020 8748 5501 F: 020 8748 4492

363 West End Lane, London, NW6 1LP

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Stephen Levrant Heritage Architecture Ltd is Registered in England 3053944 • VAT GB656883581.

Registered office: 5 Technology Park, Colindeep Lane, Colindale, NW9 6BX

Correspondence to be addressed to: 62 British Grove, London, W4 2NL;

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1 INTRODUCTION

This application is for a prior notification of change of use from use class E to C3 of the vacant ground floor unit under schedule 2, part 3, class MA of the GDPO (amended 2021).

The property at 363 West End Lane is an early 20th century commercial/residential property, part of a terrace of four properties erected sometime between 1898 and 1915. A large Mansion block – Buckingham Mansions - was as part of a development of three mansion blocks constructed between 1897 and 1902, to the West of the Terrace (fig. 1). The terrace group of properties were erected after the improvements to the present Finchley Road, on land formerly part of the grounds to of Wellesley House, a substantial suburban mansion. It appears that the small terrace of 363 to 369 was built after the mansion block.

The subject site is not a listed building, nor a locally listed building. It sits outside of the West end Green Conservation Area.

The proposed works comprise the following:

- Change of use of the ground floor unit (use class E, previously known as A2) to residential use. The upper residential floors will remain unchanged. No external changes are proposed.

This Design & Access Statement should be read in conjunction with SLHA drawings.

2 CONTEXT

The property lies adjacent to the boundary of the West End Green Conservation Area within the London Borough of Camden. West End Lane runs west off Finchley Road, north of West Hampstead.

The property is the westerly most unit within a terrace of four properties which together form a small parade of shops to the ground floor with small forecourts to the front. To the west, the property adjoins a block of residential mansion flats.

The property is not “locally listed” and is unlikely to be regarded as a non-designated heritage asset.

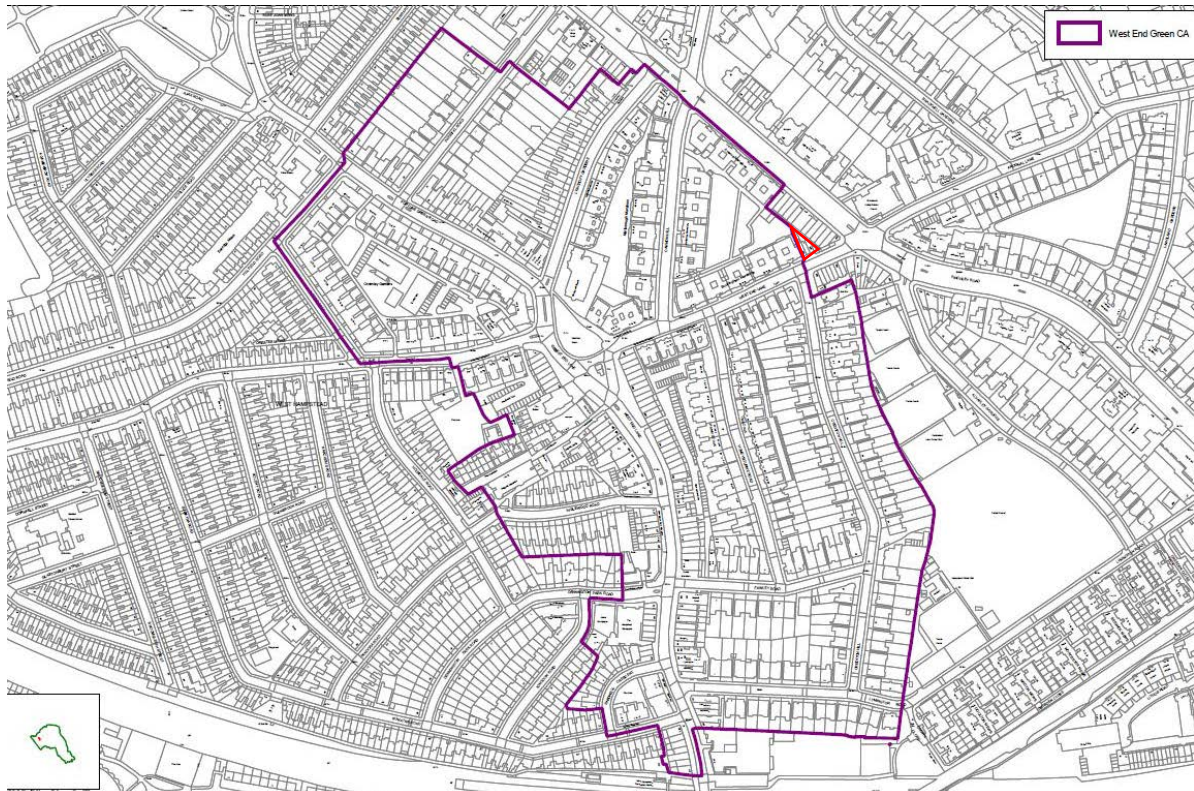


Figure 1: West end Green Conservation Area boundary, the subject site is highlighted in red.

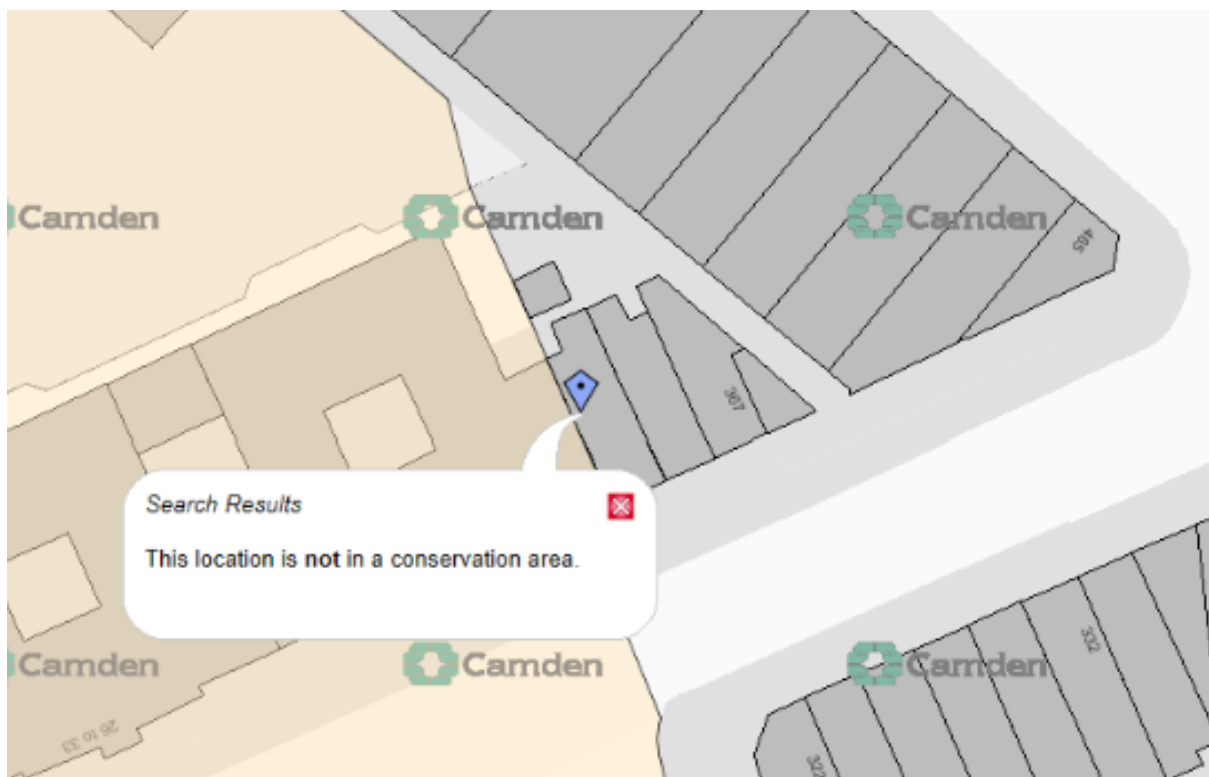


Figure 2: 363 West End Lane is not included within the West End Green Conservation Area (Camden Council web site)

The front of the property at ground floor is defined from the public footpath along West End Lane by greenery and a low wall (fig. 3) which defines the private space. The ground floor is occupied by a commercial space (previously an office), which has been vacant for many years. This is accessed from the shopfront on West End Lane and is separate from the residential flat above.

To the rear, the site contains a yard belonging to the three properties which is at present “communal”, but title deeds of each property dictate they are owned by each as shown in the site plan. They are not in active use and are overlooked by Buckingham Mansions block to the west (fig.4). Access to the residential part of the subject site is via a steep flight of steps adjacent to 369 West End Lane, the ownership of which is unknown; and then via a locked security gate giving on a descending stair to the communal yard of the three properties comprising 363 to 367 West End Lane. The upper, residential, parts to the properties are all accessed in this way, there being no independent access via the shop, which are in separate occupation.

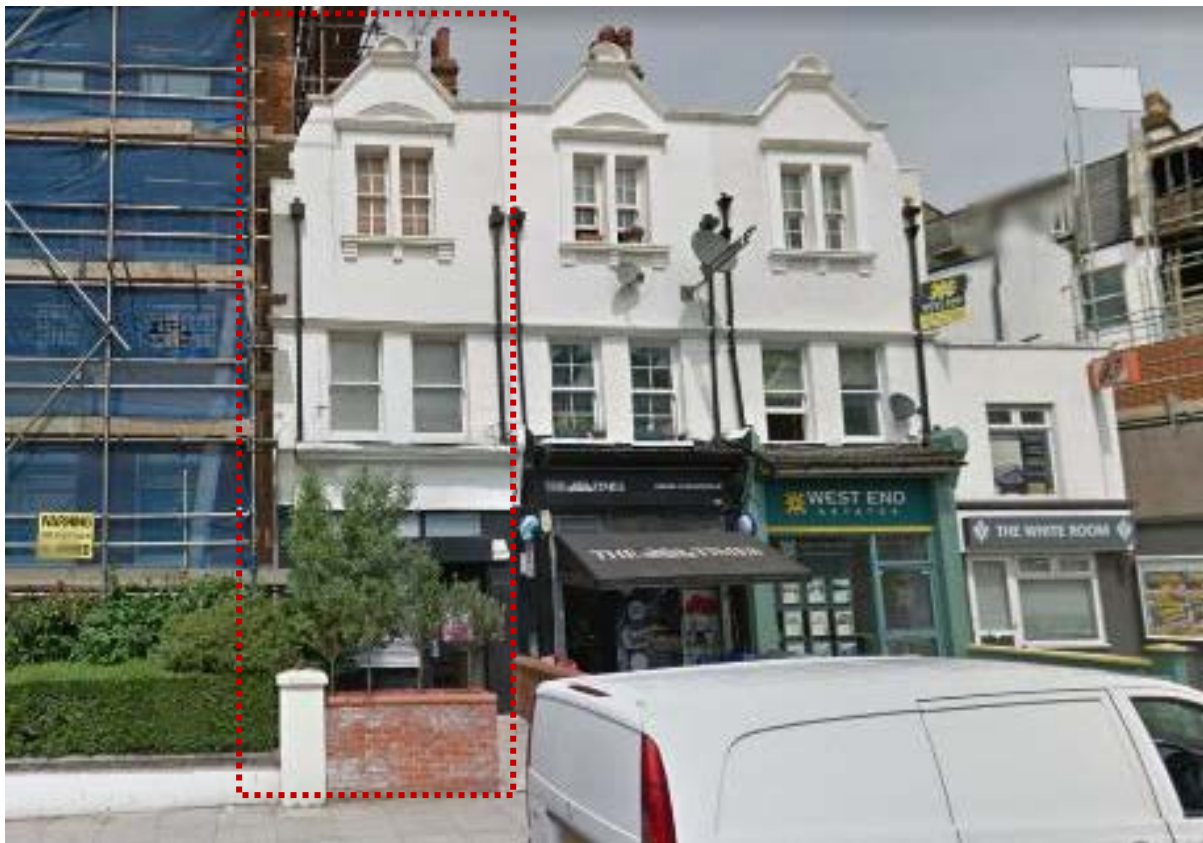


Figure 3: West End Lane (subject site is highlighted in red)

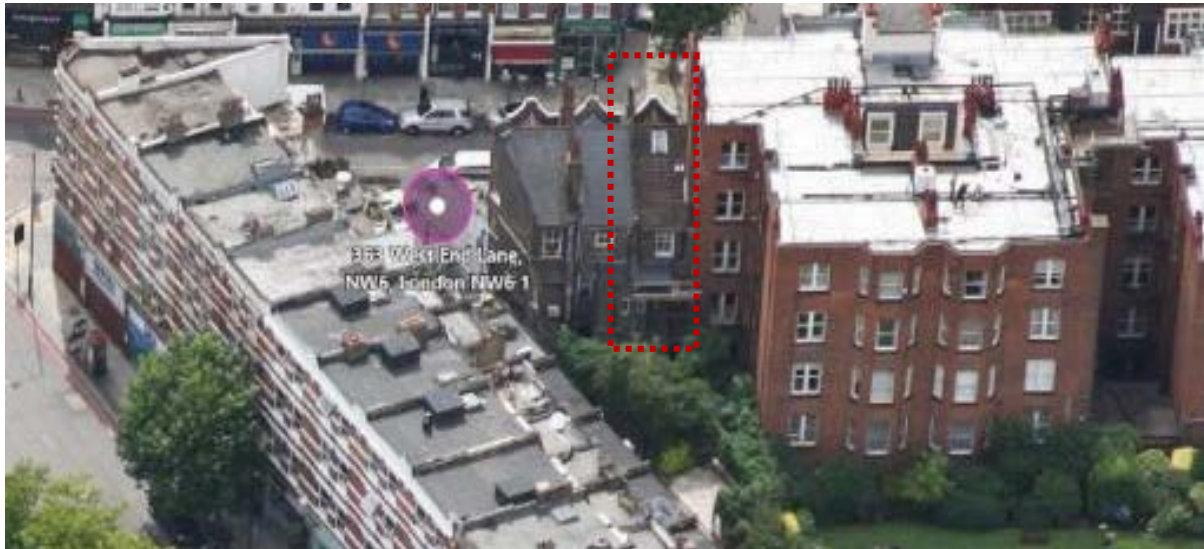


Figure 4: Rear view from the north (subject site is outlined in red)

3 USE

The original and present use of the property is residential (use class C3) on the three upper floors with a commercial unit on the ground floor (use class E, previously known as A2). The ground floor unit has been used as professional services and an office for business since 1986 (fig. 5). Currently, the ground floor unit is vacant. This has been the case for the past 3 years, where the last tenant left due to business rates increase thus preventing it being re-let.



Figure 5: The small parade of shops formed by the ground floor retail units within the terrace.

4 PROPOSAL

This application is for a prior notification of change of use from use class E to use class C3 of the vacant ground floor unit under schedule 2, part 3, class MA of the GDPO (amended 2021). It is proposed to convert the vacant separate ground floor unit to residential use (C3) under permitted development rights so that the ground floor can be used alongside the upper residential floors, forming a single house. No external changes are proposed. The primary access to the site would be via the front door (shop front), with a back door to the courtyard at the rear.

5 POLICY

The relevant part of schedule 2, part 3, class MA of the GDPO has been pasted below in blue italics, with commentary and responses in black.

Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval; **Response** – the building has been vacant for at least 3 years.

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval; **Response** – the ground floor was A2 (listed in para 2 below)

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres; **Response** – it does not, the ground floor unit is approx. 36.9sqm

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest; **Response** – it does not

(ii) is or forms part of a listed building or land within its curtilage; **Response** – it does not

(iii) is or forms part of a scheduled monument or land within its curtilage; **Response** – it does not

(iv) is or forms part of a safety hazard area; **Response** – it does not

(v) is or forms part of a military explosives storage area; **Response** – it does not

(e) if the building is within—

(i)an area of outstanding natural beauty; **Response** – it does not

(ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; **Response** – it does not

(iii)the Broads; **Response** – it does not

(iv)a National Park; **Response** – it does not

(v)a World Heritage Site; **Response** – it does not

(f)if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or- **Response** – it does not

(g)before 1 August 2022, if—

(i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and- **Response** – it does not

(ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3. - **Response** – it does not

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a)the following classes of the Schedule as it had effect before 1st September 2020—

(i)Class A1 (shops);

(ii)Class A2 (financial and professional services); **Response** – This is the relevant previous use class

(iii)Class A3 (food and drink);

(iv)Class B1 (business);

(v)Class D1(a) (non-residential institutions – medical or health services);

(vi)Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii)Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b)on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to— **Response** – This is satisfied by this submission

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) where—

(i) the building is located in a conservation area, and-

(ii) the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area;

Response – it not in a conservation area so this is not relevant

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses; **Response** – The house benefits from a small floorplan and is not excessively deep. All habitable ground floor room(s) to be lit by existing fenestration. All upper floor rooms would be lit by windows as existing.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and-

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or – NA

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, – NA

the impact on the local provision of the type of services lost.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.]

6 CONCLUSION

The proposed change of use meets the criteria of schedule 2, part 3, class MA of the GDPO, and this notification of prior approval also satisfies the relevant conditions. Therefore, it is believed that this proposal would constitute permitted development.