

LDC (Proposed) Report		Application number	2022/3119/P
Officer		Expiry date	
Fast Track SC		11/10/2022	
Application Address		Authorised Officer Signature	
Flat 3 30 Jeffrey's Street London Camden NW1 9PR			
Conservation Area		Article 4	
Jeffrey's Street		Article 4 Direction (basements only)	
Proposal			
The use of the premises as a dwelling with incidental office/administrative use for the occupier's business (take bookings as a TfL Private Hire Operator) with no access to visiting members of the public and no vehicular visits (use class C3).			
Recommendation:		Grant Certificate of Lawfulness	

1.0 Introduction

- 1.1** The application site is Flat 3, 30 Jeffrey's Street, London, Camden, NW1 9PR.
- 1.2** The application relates to a 3 storey residential building which contains 3 x self contained flats. The site is not listed but is located within Jeffrey's Street Conservation Area boundary.
- 1.3** The application seeks confirmation that the proposed use of the premises as a dwelling with incidental office/administrative use for the occupier's business (take bookings as a TfL Private Hire Operator) with no access to visiting members of the public and no vehicular visits (use class C3) does not constitute development and is lawful such that planning permission would not be required.

2.0 Applicants Evidence

- 2.1** Drawing numbers: Location Plan; Authorisation Letter from Landlord - Audrey Fattouche; Cover Letter - Rafa Maciel

3.0 Assessment

- 3.1** The certificate application has been submitted by the occupant of the property who lives in the flat. Council Tax valuation information suggests the property has been three flats for more than 10 years and there is no reason to think the existing use is not as a self-contained residential dwelling (Flat 3). This indicates the existing use is a C3 dwelling.
- 3.2** The applicant wants to use their home for their own business purposes too. The application is to confirm that the introduction of the business use into their home is lawful. They plan to still use the property as their home, and this would remain its primary function. They will introduce an ancillary or incidental office/administrative use for the occupier's business – this involves take bookings as a TfL Private Hire Operator for taxis. However, this will be working on a computer as an administrative function, with no access to visiting members of the public and no vehicular visits to the site.
- 3.3** There would be no material planning impacts from the proposed change. As such, there would be no material change of use of the property through the introduction of a minor and incidental use to the primary C3 dwelling use. Furthermore, the use would, on the balance of probability and from the information provided, remain in the C3 use class.
- 3.4** As such, the proposal would not constitute a material change of use under s55(1) of the TCPA 1990, the business function would be incidental, and the proposed use would remain in use Class C3 (residential dwelling).
- 3.5** Development is defined by section 55(1) of the 1990 Town and Country Planning Act (TCPA) as 'the carrying out of building, engineering, mining or other operations, in, on, or

under land or the making of any material change in the use of any buildings or other land’.

For the purposes of this Act “building operations” includes—

- a) demolition of buildings;
- b) rebuilding;
- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

Section 55(2) of the TCPA states that the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building.

3.2 The applicant is considered to have provided sufficient evidence to demonstrate that the proposed works would only affect the interior of the building, and as such, would not fall within the ‘meaning of development’ requiring planning permission as defined by Section 55 of the TCPA. Officers consider therefore that part 55(2)(i) therefore applies. Notwithstanding this, the works also would not materially affect the external appearance of the building (however it is noted that this criteria is not relevant as the works only affect the interior of the building).

3.3 The proposal is therefore lawful, as the works would not constitute development, and it is recommended that a certificate of lawfulness be granted.

4.0 RECOMMENDATION: Grant certificate of lawfulness