

LDC (Proposed) Report		Application number	2022/3732/P
Officer		Expiry date	
Fast Track SC		08/03/2023	
Application Address		Authorised Officer Signature	
65 Hillfield Road London Camden NW6 1QB			
Conservation Area		Article 4	
N/A		Basements	
Proposal			
Change of use from house in multiple occupation (Class C4) to residential dwellinghouse (Class C3).			
Recommendation:		Grant Certificate of Lawfulness	

Site Description

The application site comprises of a two-storey mid-terraced house located at 65 Hillfield Road, London, Camden, NW6 1QB and is currently in use as a House in Multiple Occupation (C4). The surrounding area is predominantly residential consisting of two storey terraces of a similar size and design.

The property is situated in the Fortune Green Neighbourhood Area is not listed or in a conservation area.

Proposal

The application seeks confirmation that the proposed use as residential dwelling house (C3) does not constitute development and is lawful such that planning permission would not be required.

Background information

2014/7806/P - Replacement of existing windows with double glazed uPVC windows to the ground and first floor of the front elevation and to the first floor and outrigger towards the rear elevation – **Granted - 19/03/2015**

2014/3706/P – External alteration involving the removal of a window on the side elevation at rear first floor level, and internal alterations to existing HMO (Class C4) - **Granted – 29/10/2014**

9005535 - Retention of existing single storey rear extension as shown on drawing no(s) B/RKL/1. - **Granted - 24/04/1991**

Relevant Policies

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010.

The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L

Class C3 – Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by -

- (a) A single person or by people to be regarded as forming a single household;
- (b) Not more than six residents living together as a single household where care is provided for residents; or
- (c) Not more than six living together as a single household where no care is provided to residents (other than a use within Class C4).

Class L

Development consisting of a change of use of a building—

- (a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;
- (b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

If YES to any of the questions below, the proposal is not permitted development:	Yes/No
Would the development result in the use as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule?	No
Would the development result in use as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule?	No

Assessment

Class C4 is defined in the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, which introduced it, as: 'Use of a dwellinghouse by not more than six residents as a "house in multiple occupation". A HMO occupied by more than six individuals remains sui generis.

Class C3 is defined in the The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the change of use of small HMOs (Use Class C4) to dwellinghouses (Use Class C3) and vice versa under Part L.

On consultation with HMO licencing team it was established that that the applicant and been

given a licence to operate as a HMO up until 2016, but then works were carried out at the property and it was no longer occupied by 3 people so the licence was not renewed at that point, however in the applicants application they have mentioned that they were still operating as a HMO.

Given the above and that no more than 6 people occupied the property it is considered that it was in use as HMO – (house in Multiple Occupation) in its past years and upto the date of this application.

Therefore, under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed change of use is considered to be permitted development and does not require formal planning permission.

RECOMMENDATION: Grant Certificate of Lawfulness