**LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS** 09/02/2015

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

## 1. APPLICATION DETAILS

**Reference No:** HGY/2014/3599 **Ward:** Tottenham Green

**Date received:** 22/12/2014

**Drawing number of plans:** AST for Flat A dated 08/02/2010; AST for Flat A dated 25/11/2010; AST for Flat A dated 02/05/2012; Housing benefit statements addressed to Flat A dated 23/02/2010; Job Centre Letters addressed to Flat B dated 2010 to 2011; Post Office Card Account addressed to Flat B dated 25/05/2010; Housing Benefit Decision Notice dated 30/01/2013 for Flat B; Anthea Lettings statement for Flat C dated 22/02/2010; OS Map; AST for Flat B dated 07/05/2007; AST for Flat C dated 08/02/2010; Council Tax Form for Flat D dated 29/07/2010.

**Address:** 175 Philip Lane N15 4HQ

**Proposal:** Use of property as 4 self-contained flats (certificate of lawfulness for an existing use)

**Applicant**: Forestfield Properties Ltd

**Ownership:** Private

**Site Visit Date:** 13/01/2015

**Officer contact:** Anthony Traub

## 2. SUMMARY OF RECOMMENDATION

GRANT CERTIFICATE

## 3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

### 3.1 Proposed development

Use of property as 4 self-contained flats (certificate of lawfulness for an existing use)

### 3.2 Site and Surroundings

The subject building is two storey plus loft mid terraced building that is divided into flats. The building is not listed but is located within the Clyde Circus Conservation area. The surrounding area is residential in nature.

### 3.3 Relevant Planning and Enforcement history

HGY/1998/0553 REF 11-08-98 175 Philip Lane London Erection of a single storey front extension to ground floor flat.

OLD/1989/1574 GTD 10-02-89 175 Philip Lane London 20/6/88 Conversion to one 2-bed and one 1-bed self-contained flats.

## 4. CONSULTATION RESPONSE

4.1 No consultation was undertaken.

## 5. LOCAL REPRESENTATIONS

5.1 One neutral letter raising concerns about the messy state of the front yards and appearance of the building and the manner in which illegal conversions seek retrospective approval.

## 6.0 RELEVANT PLANNING LEGISLATION

The Town and Country Planning Act 1990

The application is subject to the following sections of the Act:

1. S171B - Time limits; and
2. S191(2) - Certificate of Lawfulness of Existing Use or Development

## 7.0 ANALYSIS/ASSESSMENT OF THE APPLICATION

Section 191 (2) (a) of the TCPA 1990 indicates that a use is lawful if the time limit for enforcement action has expired. The time limit for enforcement action relating to the conversion of a property into flats and the new development as set out in section 171B of the Town and Country Planning Act 1990 is four years of continuous/existing use.

This being the case, reasonable evidence must be provided by the applicant to demonstrate that on the balance of probability the flats have been in existing or in continuous use and available for occupation for at least the last four years.

### Council Tax

The Council Tax valuation list (www.voa.gov.uk) has confirmed the individual flats known as:

STUDIO GND FLR FRONT 175A, PHILIP LANE, LONDON, N15 4HQ A 625715475 22/10/2007

STUDIO GND FLR REAR 175B, PHILIP LANE, LONDON, N15 4HQ B 625715476 22/10/2007

FLAT 1ST FLR 175C, PHILIP LANE, LONDON, N15 4HQ C 625718421 01/04/1993

FLAT 2ND FLR 175D, PHILIP LANE, LONDON, N15 4HQ B 625718434 01/08/1996

### Evidence submitted

AST for Flat A dated 08/02/2010; AST for Flat A dated 25/11/2010; AST for Flat A dated 02/05/2012; Housing benefit statements addressed to Flat A dated 23/02/2010; Job Centre

Letters addressed to Flat B dated 2010 to 2011; Post Office Card Account addressed to Flat B dated 25/05/2010; Housing Benefit Decision Notice dated 30/01/2013 for Flat B; Anthea Lettings statement for Flat C dated 22/02/2010; OS Map; AST for Flat B dated 07/05/2007; AST for Flat C dated 08/02/2010; Council Tax Form for Flat D dated 29/07/2010.

Notwithstanding the limited information submitted, significant weight is apportioned to the Council Tax records. On balance, the Council considers the supporting evidence in conjunction with the council tax records, is compelling to demonstrate that the flat conversion occurred over 4 years ago.

As such, the application proves that the three ground floor flats on the balance of probability have been in continuous use and available for occupation for more than the last 4 years as set out in section 171B of the Town and Country Planning Act 1990.

## 8. CIL APPLICABLE

N/a

## 9. SUMMARY AND CONCLUSION

It has been demonstrated to the satisfaction of the Local Planning Authority that the continued use of the 3 ground floor self-contained flats at 177 Philip Lane N15 4HQ is lawful within the meaning of S191(2)(a) of the Town and Country Planning Act 1990.

## 10. RECOMMENDATION

GRANT CERTIFICATE

Registered No. HGY/2014/3599

Applicant's drawing No.(s) AST for Flat A dated 08/02/2010; AST for Flat A dated 25/11/2010; AST for Flat A dated 02/05/2012; Housing benefit statements addressed to Flat A dated 23/02/2010; Job Centre Letters addressed to Flat B dated 2010 to 2011; Post Office Card Account addressed to Flat B dated 25/05/2010; Housing Benefit Decision Notice dated 30/01/2013 for Flat B; Anthea Lettings statement for Flat C dated 22/02/2010; OS Map; AST for Flat B dated 07/05/2007; AST for Flat C dated 08/02/2010; Council Tax Form for Flat D dated 29/07/2010.

For the following reason:

REASON: It has been demonstrated to the satisfaction of the Local Planning Authority that the continued use of the 4 self-contained flats at 175 Philip Lane N15 4HQ is lawful within the meaning of S191(2)(a) of the Town and Country Planning Act 1990.