

Planning Statement

Application for Certificate of Lawful Use

Change of Use from HMO to 12x self contained flats

23-24 New Windsor Street, Uxbridge, UB8 2TX

DLA Ref:22/542

Date: July 2023

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1.0 INTRODUCTION

1.1.0 Background

1.1.1 This report relates to an application for a certificate of lawful use for the independent self-contained residential use for Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12, at 23-24 New Windsor Street, Uxbridge.

1.2.0 Summary

1.3.1 The application is accompanied by statutory declarations, evidence for the Councils own position on the property, Council Tax statuses, Energy Performance Certificates, and other legal documentation. I consider that the evidence submitted is clear and concise to show that the Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12, at 23-24 New Windsor Street have been occupied as separate self-contained dwellings and that a certificate is therefore justified.

2.0 SITE & CONTEXT ANALYSIS

2.1.0 Location

2.1.1 The site, shown in Figure 1 below, is located to the south of New Windsor Street, to the west of the centre of Uxbridge.

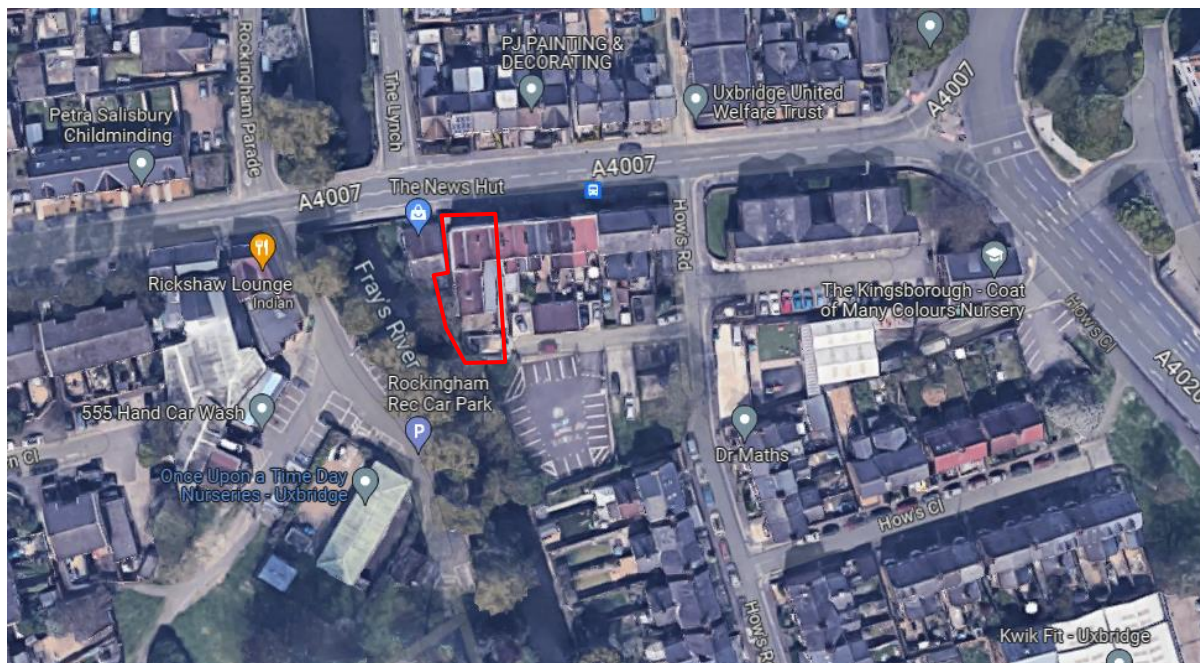


Figure 1 - Site location

2.2.0 Application Site

2.2.1 The application site consists of No. 23 & 24 New Windsor Road, a two-storey building that was initially built as an HMO, however since February 2019, Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12, had been converted into self-contained flats.

2.3.0 Context

2.3.1 The local area has a range of uses with no set characteristic. Within the vicinity there are a mix of housing types such as HMO's, flats, and houses, as well as number of various types of services and facilities.

2.4.0 Planning Constraints

2.4.1 The only Planning constraint upon the site is that it is located within the Rockingham Bridge Conservation Area.

3.0 **RELEVANT PLANNING HISTORY**

3.1.0 There is no relevant history of the application site.

4.0 THE EXISTING USE

4.1.0 Within the building, Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12 have been occupied as independent self-contained residential dwellings for a continuous period since at least February 2019. Flat 11 is not included in this application. Figure 2 below shows the general arrangement of the build as well as the flats. The ground floor contains Flats 1, 2, 3, 4, 5, 6, and 6a, whilst the first floor contains Flats 7, 8, 9, 10, and 12 – all of which have their own bathrooms, bedroom/living space, as well as cooking facilities.

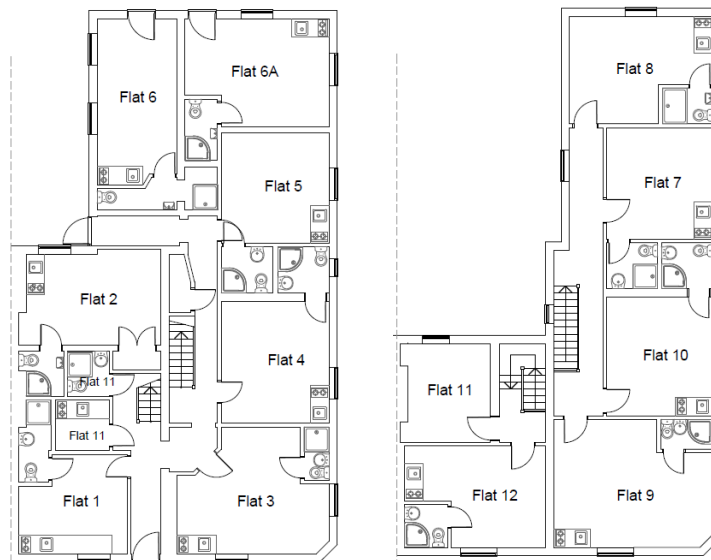


Figure 2 - Ground floor plan (left) and first floor plan

4.2.0 No external alterations would be made to the building.

5.0 THE SUPPORTING EVIDENCE

5.1.0 Statutory Declarations

5.1.1 Viswajit Palasuntheram

Appendix 1 shows a signed Statutory Declaration made by Viswajit Palasuntheram. Viswajit, the owner of the freehold of the property, signed under oath in front of a Solicitor from WGS Solicitors on 29th June 2023, to confirm that Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12 were all converted into independent dwellings and these have all been continuously lived in as a self-contained dwellings for a period of 4+ years.

5.1.2 Elzbieta Lubinska

Appendix 2 shows a signed Statutory Declaration made by Elzbieta Lubinska and signed in front of a Solicitor from WGS Solicitors on 29th June 2023. Elzbieta, who has cleaned at the property on a weekly basis for the last 10+ years, signed under oath to confirm that Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12 were all converted into independent dwellings and these have all been continuously lived in as a self-contained dwellings for a period of 4+ years.

5.2.0 London Borough of Hillingdon Council

5.2.1 In the Officers Report for application reference 66555/APP/2017/260, shown in Appendix 3, the Council even acknowledged that the building is no longer used as an HMO and are instead self-contained flats. The Officers Report stated at paragraph 3.1 *"The application site is located to the south of New Windsor Street and is located to the rear of Nos. 23-24 New Windsor Street which contains 12 self contained flats. The flats are the end building of a row of residential terraces"*.

5.3.0 Council Tax

5.3.1 The attached link shows the relevant Council Tax details for the property at No.23&24 New Windsor Street, Uxbridge - <https://www.tax.service.gov.uk/check-council-tax-band/search?postcode=GldvxNf9diNjc3QldPYOdQ&page=2> . As shown in Appendix 4, Flats 1 – 12 (except 11) can be shown to have their own Council tax status. This wouldn't be the case if they weren't self-contained dwellings, and all of which have been the case for a period of 4+ years.

5.4.0 Energy Performance Certificate

5.4.1 Appendix 5 shows the Energy Performance Certificates, all of which were produced by an accredited third party assessor. The assessment for each of the flats as shown in Appendix 6 confirm that each rating relates to its own individual flat, as well as the date of the assessment confirming that these were done 4+ years ago.

5.5.0 **Assured Shorthold Tenancy Agreement**

5.5.1 Appendix 6 shows the Assured Shorthold Tenancy Agreement for each of the flats in question. These are legal documents which refer specifically to each individual flat as a dwelling. Appendix 6 is a snip from a copy of each of these from a date that is at least 4 years prior to this application, however full copies and other dates can be provided if required upon request of the LPA.

6.0 PLANNING CONSIDERATIONS

- 6.1 The Planning and Compensation Act 1991 introduced Certificates of Lawful Use for existing as well as proposed developments. In the Government's Planning Practice Guidance the section headed 'Who is responsible for providing sufficient information to support an application' makes it clear that the relevant test of the evidence is the balance of probability.

"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

- 6.2 Section 171B (2) of the Town and Country Planning Act 1990 states that:

'Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.'

- 6.3.0 The 2x statutory declarations submitted are clear and precise and confirm that Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12 have been occupied as individual self-contained dwellings for a continuous period of at least four years. Hillingdon Council also acknowledge this from the Officer Report reference 66555/APP/2017/260. Additional evidence in the form of Council Tax status for each Flat, third party accredited Energy Performance Certificates, as well as the legal documents of the Assured Shorthold Tenancy Agreements further corroborate that Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12 have been occupied as individual self-contained dwellings for a continuous period of at least four years.

- 6.4.0 I consider that the evidence submitted is clear and concise to show that Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12 within the building have all been occupied as separate, self-contained dwellings, for a continuous period of 4+ years and that a certificate is therefore justified.

7.0 CONCLUSIONS

- 7.1.0 This report relates to an application for a certificate of lawfulness for the use of Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12 at 23-24 New Windsor Street, Uxbridge, as self-contained residential dwellings. The submitted evidence gives clear, precise and unambiguous information to support the application and therefore a certificate of lawful use is justified for the use of the Flats 1, 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10 and 12 as independent self-contained units. Moreover as set out in paragraph 6.1 the test for the evidence is the balance of probabilities, which is satisfied.

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