

PLANNING STATEMENT

Applicant: Mr T S Gill
Waters Edge
1B Douglas Lane
Wraysbury
TW19 5NF

Agent: Scott Young
43 Mount Drive
Harrow
HA2 7RW

Address: 54 Waltham Avenue, Hayes, Middlesex UB3 1TB

INTRODUCTION

This Planning Statement is in support of a Lawful Development Certificate application, which seeks to establish the existing use of the property as 2 self-contained dwellings.

This report should be read in conjunction with the formal application documents and drawings (Ref: PP-09569347).

54 Waltham Avenue is a two-storey semi-detached house located on the northern side of Waltham Avenue. The house was originally built during the 1930s and is of traditional construction with solid masonry walls and a timber framed tiled roof. The building has been extended at the rear, at ground floor level.

The property is not listed or located within a conservation area.

EXISTING USE

The building is currently in use as 2 separate self-contained dwellings, having been converted from the original house.

The conversion works were completed in November 2016, and residential tenants took up occupation of the flats on 1st December 2016. The dates each flat was first occupied are shown on the table attached to this statement. Both the flats have been continually occupied by

residential tenants on Assured Shorthold Tenancy Agreements until the present time. The use as two separate dwellings has therefore been on-going for a period in excess of 4 years.

Floor plans of the existing the building have been submitted with this application, and show the layout of the 2 separate dwellings. Each dwelling has a living room, kitchen, bedroom/s and sanitary accommodation and there are no shared facilities within the buildings other than communal hallway and staircase. This can be verified by inspection.

The 2 dwellings are known as:

- **Ground Floor Flat, 54 Waltham Avenue, Hayes, Middlesex UB3 1TB**
- **1st Floor Flat, 54 Waltham Avenue, Hayes, Middlesex UB3 1TB (Also known as 54A)**

Installation of Electrical Supplies

The subdivision of the building into 2 separate dwellings is evidenced by the installation of 2 separate mains electrical supplies. These works were carried out in August 2016 and the documents that evidence this are listed below, and have been submitted with this application.

- Quotation plan from Southern Electric Power Distribution plc showing position of new supplies, ref: EEK932, dated 13th July 2016,
- Invoice from Southern Electric Power Distribution plc for installing 2 domestic supplies, ref: EEK932, dated 1st August 2016 confirming receipt of payment.

Installation of Acoustic Floating Floor

The subdivision of the building into two dwellings is also evidenced by the installation of an acoustic floating floor system to the first floor. These works were carried out in July 2016 and the document that evidences this is listed below, and has been submitted with this application.

- Invoice from Hush Acoustic Products Limited for acoustic floating floor materials, ref: EDSITLTD, dated: 23rd June 2016.

Assured Shorthold Tenancy Agreements

For each dwelling copies of the Assured Shorthold Tenancy Agreements are provided for all tenants who have occupied the dwellings since conversion. It should be noted that these tenancy agreements are for an initial fixed period of either 6 or 12 months after which the tenancy may continuing subject to the same conditions on a month to month basis. These agreements have been submitted with this application and show firstly that there are 2 separate dwellings, and that these dwellings have all been occupied by residential tenants for a period in excess of 4 years from 1st December 2016.

Bank Statements

Copies of the applicant's bank statements are provided showing monthly rental payments from the tenants during the occupied periods. A summary of the rent payments for each tenancy is attached to this document.

Note that the first tenant in the ground floor flat Aldrey Palha made payments in cash and the transactions therefore do not have identifiable references, however the corresponding payments have been highlighted for your information.

Continuous Use

Continuous use of the property as two separate dwellings is shown by the evidence provided as summarised below. A summary of the evidence documents submitted with this application is attached to this statement.

Ground Floor Flat

This flat has had 3 tenancies since 1st December 2016.

Tenancy 1	Commenced 01/12/2016 Terminated 31/07/2017	12-month tenancy 01/12/2016 – 30/11/2017 Notice of Termination dated 30/06/2017
Void	01/08/2017 - 23/08/2017	
Tenancy 2	Commenced 24/08/2017 Terminated 03/10/2019	6-month tenancy 24/08/2017 – 23/02/2018 6-month tenancy 01/03/2018 – 31/08/2018 Tenancy continued month-month until 03/10/2019 Deposit Release Confirmation dated 03/10/2019
Void	04/10/2019 - 30/11/2019	
Tenancy 3	Commenced 01/12/2019	6-month tenancy 01/12/2019 – 30/06/2020 12-month tenancy 01/12/2020 – 30/11/2021 Tenancy on-going

First Floor Flat

This flat has had 2 tenancies since 1st December 2016.

Tenancy 1	Commenced 01/12/2016 Terminated 29/02/2020	12-month tenancy 01/12/2016 – 30/11/2017 Tenancy continued month-month until 29/02/2020 Moving out message dated 28/02/2020
Void	01/03/2020 - 31/03/2020	

Tenancy 2	Commenced 01/04/2020	6-month tenancy 01/04/2020 – 30/09/2020 6-month tenancy 01/10/2020 – 31/03/2021 12-month tenancy 01/04/2021 – 31/03/2022 Tenancy on-going
------------------	----------------------	--

The short void periods between tenancies are as might be expected to allow for redecoration and marketing of the dwelling in question, however we believe these do not constitute a significant break in the continuity of the use.

LOCAL AUTHORITY INVOLVEMENT

Enforcement action has been initiated by the Hillingdon Council with the issuing of a Planning Contravention Notice dated 7th December 2020 ref ENF/110/19. This notice was issued more than 4 years after the commencement of the use as 2 separate self-contained dwellings on 1st December 2016.

No formal pre-application advice has been sought.

CONCLUSION

We believe that the evidence provided demonstrates that on the balance of probability the building has been in use as 2 self-contained dwellings since 1st December 2016, for a period in excess four years. Given that there have been no significant periods of time when the flats have been unoccupied, the use as 2 separate dwellings has been continuous throughout the four years. We therefore consider that in accordance with Section 171B (2) of the Town and Country Planning Act 1990 the use as 2 separate dwellings is immune from enforcement action, and it is respectively concluded that a Lawful Development Certificate be granted.

Date: April 2021

54 WALTHAM AVENUE, HAYES – SUMMARY OF EVIDENCE

GROUND FLOOR, 54 WALTHAM AVENUE

START DATE	END DATE	TENANTS	EVIDENCE
01/12/2016	31/07/2017	Aldrey Palha	Tenancy Agreement dated 29/11/2016 – 12 Months Notice of Termination dated 30/06/2017 Bank Statements – Cash rent payments
01/08/2017	23/08/2017	Void	
24/08/2017	03/10/2019	Amanda Cannigan	Tenancy Agreement dated 24/08/2017 – 6 Months Tenancy Agreement dated 01/03/2018 – 6 Months Deposit Release Confirmation dated 03/10/2019 Bank Statements – BACS rent payments
04/10/2019	30/11/2019	Void	
01/12/2019	Present	Antonio Rosario Fernandes	Tenancy Agreement dated 18/11/2019 – 6 months Tenancy Agreement dated 01/12/2020 – 12 months Bank Statements – BACS rent payments

FIRST FLOOR, 54A WALTHAM AVENUE

START DATE	END DATE	TENANTS	EVIDENCE
01/12/2016	29/02/2020	James Dowson Thomas Guidry	Tenancy Agreement dated 01/12/2016 – 12 Months Notification moving out message dated 28/02/2020 Bank Statements – BACS rent payments
01/03/2020	31/03/2020	Void	
01/04/2020	Present	Achut Kunwar Anju Khadka	Tenancy Agreement dated 01/04/2020 – 6 Months Tenancy Agreement dated 01/10/2020 – 6 Months Tenancy Agreement dated 01/04/2021 – 12 Months Bank Statements – BACS rent payments

54 WALTHAM AVENUE, HAYES – SUMMARY OF RENT PAYMENTS**RENT PAYMENTS - GROUND FLOOR, 54 WALTHAM AVENUE**

TENANTS	DATE	REFERENCE	AMOUNT
Aldrey Palha	05/12/2016	CASH PAYMENT	£1,000.00
	09/01/2017	CASH PAYMENT	£1,000.00
	01/02/2017	CASH PAYMENT	£1,100.00
	31/03/2017	CASH PAYMENT	£1,240.00
	04/05/2017	CASH PAYMENT	£1,200.00
	06/06/2017	CASH PAYMENT	£1,150.00
	30/06/2017	CASH PAYMENT	£1,000.00
Amanda Cannigan	27/09/2017	CANNIGAN A AMANDA RENT	£1,250.00
	27/10/2017	CANNIGAN A AMANDA RENT 54 WAL	£1,250.00
	27/11/2017	CANNIGAN A AMANDA RENT	£1,250.00
	22/12/2017	CANNIGAN A AMANDA RENT	£1,250.00
	27/01/2018	CANNIGAN A AMANDA RENT	£1,250.00
	27/02/2018	MISS AMANDA CANNIG AMANDA	£1,250.00
	27/04/2018	MARTIN A AMANDA	£2,100.00
	30/04/2018	MARTIN A AMANDA	£400.00
	25/05/2018	MARTIN A AMANDA	£1,300.00
	04/07/2018	MARTIN A AMANDA	£1,250.00
	27/07/2018	MARTIN A AMANDA	£1,250.00
	24/08/2018	MARTIN A AMANDA	£1,250.00
	27/09/2018	MARTIN A & OA AMANDA	£1,300.00
	29/10/2018	MARTIN A & OA AMANDA	£1,300.00
	27/11/2018	MARTIN A & OA AMANDA	£1,300.00
	28/12/2018	MARTIN A & OA AMANDA	£1,250.00
	28/01/2019	MARTIN A & OA AMANDA	£1,400.00
	28/02/2019	MARTIN A & OA AMANDA	£1,400.00
	27/03/2019	MARTIN A & OA AMANDA	£1,400.00
	29/04/2019	MARTIN A & OA AMANDA	£1,400.00
	28/05/2019	MARTIN A & OA AMANDA	£1,350.00
	02/07/2019	MARTIN A & OA AMANDA	£1,250.00
	30/07/2019	MARTIN A & OA AMANDA	£1,375.00
	04/09/2019	MARTIN A AMANDA	£1,256.98
Antonio Rosario Fernandes	19/11/2019	A FERNANDES 54 WALTHAM AVE	£2,500.00
	06/12/2019	A FERNANDES 54 WALTHAM AVE	£1,250.00
	03/01/2019	A FERNANDES 54 WALTHAM AVE	£1,250.00
	02/03/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	02/04/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	04/05/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	03/06/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	02/07/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	03/08/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	02/09/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	02/10/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	02/11/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	01/12/2020	A FERNANDES 54 WALTHAM AVE	£1,250.00
	04/01/2021	A FERNANDES 54 WALTHAM AVE	£1,250.00

54 WALTHAM AVENUE, HAYES – SUMMARY OF RENT PAYMENTS**RENT PAYMENTS - FIRST FLOOR, 54A WALTHAM AVENUE**

TENANTS	DATE	REFERENCE	AMOUNT
James Dowson Thomas Guidry	29/11/2016	T GUIDRY DEPOSIT	£850.00
	30/11/2016	GUIDRY TP MR DEPOSIT	£962.00
	30/12/2016	T GUIDRY RENT	£870.00
	30/01/2017	T GUIDRY RENT	£850.00
	28/02/2017	T GUIDRY RENT	£850.00
	30/03/2017	T GUIDRY RENT	£850.00
	27/04/2017	JDAWSON MAY RENT	£850.00
	21/05/2017	JDAWSON JUNE RENT	£850.00
	29/06/2017	JDAWSON RENT/COUNCIL TAX	£1,485.00
	28/07/2017	JDAWSON RENT/AUGUST	£850.00
	30/08/2017	JDAWSON RENT/SEPTEMBER	£850.00
	28/09/2017	JDAWSON RENT/OCTOBER	£850.00
	30/10/2017	JDAWSON RENT/NOVEMBER	£850.00
	29/11/2017	JDAWSON RENT/DECEMBER	£850.00
	02/01/2018	JDAWSON RENT/JANUARY	£850.00
	30/01/2018	JDAWSON RENT/FEB	£850.00
	28/02/2018	JDAWSON RENT/MARCH	£850.00
	28/03/2018	JDAWSON RENT/APRIL	£850.00
	40/04/2018	JDAWSON RENT MAY/COUNCIL T	£1,450.00
	30/05/2018	JDAWSON RENT JUNE	£850.00
	28/06/2018	JDAWSON RENT JULY	£850.00
	30/07/2018	JDAWSON RENT AUGUST	£850.00
	30/08/2018	JDAWSON RENT SEPTEMBER	£850.00
	01/10/2018	JDAWSON RENT OCTOBER	£850.00
	30/10/2018	JDAWSON RENT NOVEMBER	£850.00
	30/11/2018	JDAWSON RENT DECEMBER	£850.00
	31/12/2018	JDAWSON RENT JANUARY	£850.00
	31/01/2019	JDAWSON FEB RENT	£850.00
	28/02/2019	JDAWSON FEB RENT	£850.00
	01/04/2019	JDAWSON APRIL RENT	£850.00
	30/04/2019	JDAWSON MAY RENT	£850.00
	31/05/2019	JDAWSON JUNE RENT	£850.00
	01/07/2019	JDAWSON JULY RENT	£850.00
	01/08/2019	TG AUGUST RENT	£850.00
	29/08/2019	JDAWSON SEP RENT/CTAX/WAT	£1,655.00
	30/09/2019	TG OCT RENT	£850.00
	31/10/2019	JDAWSON NOV RENT	£850.00
	29/11/2019	JDAWSON DEC RENT	£850.00
	30/12/2019	J DAWSON JAN RENT	£850.00
	30/01/2020	JDAWSON FEB RENT	£850.00
Achut Kunwar Anju Khadka	30/03/2020	KUNWAR A 54A RENT DEPOSIT	£1,774.72
	01/05/2020	KUNWAR A 54A MAY RENT	£924.71
	01/06/2020	KUNWAR A 54A RENT DEPOSIT	£924.00
	02/07/2020	KUNWAR A 54A RENT DEPOSIT	£924.00
	03/08/2020	KUNWAR A AUG	£924.00
	02/09/2020	KUNWAR A SEP 2020 RENT	£924.00
	02/10/2020	KUNWAR A 54A RENT DEPOSIT	£924.00
	02/11/2020	KUNWAR A 54A RENT DEPOSIT	£924.00
	02/12/2020	KUNWAR A DECEMBER RENT	£924.00
	04/01/2021	KUNWAR A JAN2021 RENT	£924.00