

Dated: 22/06/2022
Our Ref: 22-715-LD

To
Planning Officer
London Borough of Hillingdon
3 North Civic Centre,
High Street, Uxbridge
UB8 1UW

RE: 96 and 96b BOURNE AVENUE HAYES UB3 1QP

Conversion of a single dwelling into two flats (Application for a Certificate of Lawful Development for an Existing Use)

Dear Sir/Madam

Please find enclosed revised drawings and below, our response in blue, to some of the comments made by the planning officer in our previous application refusal, dated 01/06/2022.

The legal test requires that evidence be provided to show that both flats have been used as independent self-contained residential units for four years, continuously, prior to the date of this application (06-04-18 to 06-04-22). The statutory declaration does not exhibit any evidence and it does not provide evidence to the continuous use of the property from the date of the application.

Please find enclosed tenancy agreement, council correspondence letters, utility bills and other documents which will prove that the property is in continuous use as two individual flats for over four years.

The LPA's Council Tax Liability letter addressed to 96 and 96B Bourne Avenue suggests that the properties are known to be liable for council tax from at least 25-10-15, alongside the valuation letters. Liability for council tax does not mean that council tax was paid. Nor does the liability letter show that council tax was paid for the entirety of the requisite evidencing period for either 96 or 96b Bourne Avenue. The submitted Council Tax liability letter is therefore considered to provide little

weight in favour of the argument that 96 Bourne Avenue has been used as two independent self-contained flats for the requisite evidencing period.

Please find enclosed council tax payment record as well as the council acceptance letter of the payment terms. This is evident that the properties are liable for individual council Tax for over four years and my clients are fulfilling their obligation.

In addition, the council tax evidence, electrical bill, gas bill do not suggest anything over the four years period. The onus is on the applicant to provide evidence of continuous use. The gas safety certificate, building regulations certificate, fire alarm evidence is outdated hence irrelevant. Furthermore, the checklist's do not clearly exhibit the evidence to establish continuous use. Highlighting the gaps in the use.

There are quite few documents of different period which show that these properties are individual flats. The gaps which you are referring to are possible since majority of the documents would have been under tenants' names. The obligations which my clients have as a property owner is evident from the submitted documents and these are sufficient to prove the continuous use.

It is noted that the Council's records indicate that a planning application (reference 76034/APP/2021/3711) was submitted on 01-10-21 and refused on 26-11-21 relating to 96 Bourne Avenue. The application proposed the 'conversion of existing house into 2 x 1- bed self-contained flats. Enlargement of the existing outbuilding to be used ancillary to the flats.' The applicant for the planning application is also the applicant for this current CLU application. It is noted that the planning application form submitted for application 76034/APP/2021/3711 states that the work or change of use had not started at the time the application was submitted (section 6 of the application form). This directly contradicts the applicant's version of events in the current CLU application under consideration.

We have spoken to our clients about this who are not aware of this. We can only assume that this was a genuine mistake by the previous Architect / agent, while completing the application form.



I hope that I have responded to all the queries mentioned in refusal letter.
Should you require any further information in this regard, please do not hesitate to contact us.

Yours Sincerely

Irfan Malik

For and on behalf of
Architorium Limited