

PART 1 - PUBLIC

Decision Maker: Plans Sub Committee 4

Date: 10 November 2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: 38 LENNARD ROAD, PENGE, SE20 7LX

Contact Officer: Tim Bloomfield, Development Control Manager
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Chief Officer: Chief Planner

Ward: Penge & Cator

1. Reason for report

A three storey house has been converted into four flats. An enforcement notice was served in 2006 but Members are asked to review whether it is expedient to pursue the matter given the uncertainty over the length of time that the flats have existed.

2. **RECOMMENDATION**

Members views are requested.

Corporate Policy

1. Policy Status: <please select>.
 2. BBB Priority: <please select>.
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Financial

1. Cost of proposal: <please select>
 2. Ongoing costs: <please select>.
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: <please select>
 2. Call-in: <please select>
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

COMMENTARY

- 3.1 The property is a three storey dwelling house in a residential area. In April 2006, information was received from Environmental Health that the house had been sub-divided into five self-contained flats.
- 3.2 In May 2006 an inspection found two flats on the ground floor with shared use of a bathroom and kitchen. On the first floor were two flats, each with own bathroom and kitchen. On the top floor was one flat with its own bathroom and kitchen.
- 3.3 There was no response to a request for a planning application. In October 2006 an enforcement notice was served on the owner, Mr Erten Sisman, requiring cessation of use of the premises as self contained flats, for compliance by 26.03.2007.
- 3.4 On 28.03.2007, Environmental Health granted a Multiple Occupation Licence for five households comprising five persons.
- 3.5 On 29.10.2007, a planning application was submitted for change of use from single dwelling to HMO (DC/07/03844) which was refused on the grounds of lack of amenities for the occupants and over development of the area.
- 3.6 In May 2008, the Council's solicitors were instructed to prosecute for non compliance with the enforcement notice.
- 3.7 On 17.03.2009 an application for a Certificate of Lawful Use was refused on the grounds that, on balance, the use had not subsisted for 10 years (DC/09/00158).
- 3.8 On 23.03.2010 a further application for a Certificate of Lawful Use was refused on the same grounds (DC/10/00187).
- 3.9 On 26.09.2011, a further inspection was made to ascertain the current situation at the premises. The accommodation comprised the following:
 - Flat A on the ground floor consisting of a bed/sitting room, kitchen and bathroom. Mr Sisman stated this was changed from two flats to one about three years ago and is occupied by a married couple.
 - Flat B, on the first floor, consists of a bed/sitting room and a bathroom. The occupant has use of the kitchen in Flat A.
 - Flat C, also on the first floor, for one person, has a bed/sitting room, kitchen and bathroom.
 - Flat D, on the second floor, for one person, has a bed/sitting room, kitchen and bathroom.
- 3.10 At the site visit, Mr Sisman stated that when he purchased the property in 1999 it was already divided into four flats. He also stated that the occupants of Flats C and D had been in residence for more than 10 years.
- 3.11 Applications for Certificates of Lawful use have been unsuccessful as the owner has been unable to produce evidence of continued use as 4 flats for 10 years or more. However, there have been no complaints from local residents about the use and the Council granted an HMO licence in 2007 for up to five households within the property.
- 3.12 In the circumstances, given that there is an effective enforcement notice, Members are asked to consider whether it would be expedient to commence a prosecution.