

**LONDON BOROUGH OF ENFIELD**

**PLANNING COMMITTEE**

**Date:** 19 September 2023

**Report of**

Director of Planning &  
Growth - Brett Leahy

**Contact Officers:**

Michael Kotoh-Mortty  
Claire Williams

**Category**

Full Application

**Ward**

Grange

**Councillor Request**

Cllr Dey

**LOCATION:** 59 Langham Gardens, London N21 1DL

**APPLICATION NUMBER:** 23/01144/FUL

**PROPOSAL:** Conversion of a single-family dwelling house to a House of Multiple Occupation for 6 residents (C4 use class)- RETROSPECTIVE.

**Applicant Name & Address:**

Mr Mohamed Baksh  
59 Langham Gardens  
London  
N21 1DL

**Agent Name & Address:**

Ms Monica Gigli  
MGA  
38 Hazelwood Lane  
London  
N13 5EX

**RECOMMENDATION:**

1. That the Head of Development Management be authorised to GRANT planning permission subject to conditions.
2. That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.



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Scale 1:1250

North



## **1.0 Note for Members:**

- 1.1 Although an application of this scale and nature would normally be determined under delegated authority, the application has been reported to committee for determination at the request of Cllr Dye due to the level of local interest.

## **2.0 Recommendation**

- 2.1 That the Head of Development Management be authorised to GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be maintained in accordance with the following approved plans and documents:

Location Plan received 26.04.23

Location and Block Plan received 26.04.23

Existing (retrospective) Floor and Roof Plan received 01.09.23

Existing (retrospective) Elevations Plan received 06.04.23

Reason: For the avoidance of doubt and in the interests of proper planning.

2. C4 HMO use- 6 persons only

The use of the property as a House in Multiple Occupation hereby approved shall be occupied by a maximum of 6 people at any one time and shall not be subdivided or occupied as self-contained units.

Reason: To accord with the stipulations of definition as a House of Multiple Occupation and to safeguard the residential character of the surrounding area.

3. HMO facilities

No independent cooking or laundry facilities shall be installed in any of the respective bedrooms, and the communal kitchen/breakfast room, storage room and lounge shall be retained in perpetuity.

Reason: To accord with the stipulations of definition as a House of Multiple Occupation and to safeguard the residential character of the surrounding area.

4. Cycle Parking

Within three months of the date of the decision hereby approved, details of the siting, number and design of secure/covered cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall

thereafter be installed within three months of the decision date of the approved details and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

#### 5. Refuse storage

Within three months of the date of the decision hereby approved, details of refuse storage facilities including facilities for the recycling of waste shall be provided within the development in pursuance of the HMO hereby approved and in accordance with the London Borough of Enfield Waste and Recycling Planning Storage Guidance ENV 08/162. This shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details within three months of the decision date of the approved details and maintained as such thereafter.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

#### 6. C24 – Obscured glazing

Within three months of the date of the decision hereby approved, the loft flank elevation rooflights of the development indicated on drawing No. LG 02 shall be in obscured glass with an equivalent obscuration as level 3 on the Pilkington Obscuration Range and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The glazing shall not be altered without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining and neighbouring properties.

- 2.2 That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the 'Recommendation' section of this report.

### **3.0 Executive Summary**

- 3.1 The applicant seeks retrospective planning permission for a change of use from the single family dwellinghouse (C3 use) to a 6 person House in Multiple Occupation (HMO).
- 3.2 The scheme is considered acceptable for the following reasons:
- 1) The proposal would provide a form of accommodation that would contribute towards the Borough's housing stock.
  - 2) The quality of HMO accommodation that would be provided is of an acceptable standard.
  - 3) There is no significant adverse impact on neighbouring residential amenity.
  - 4) There are no identified adverse effects on highway safety or traffic generation.

#### 4.0 Site and Surroundings

- 4.1 The site is a two-storey semi-detached property which is sited in a well-established residential area comprising two storey single family dwellings. The property is not listed or within a Conservation Area and the ground level falls to the east. There is a single car parking space at the frontage and the crossover is shared with the adjoining property at no. 57.
- 4.2 The development pattern within the vicinity features a variety of build forms, scale and designs. There have been no residential conversions along the street.



Figure 1





Figure 2

Figures 1 and 2: Front elevation of 59 Langham Gardens, outlined in red.



Fig. 3: Aerial view of the site indicated in red.

## 5.0 Proposal

- 5.1 The applicant seeks planning permission for the retrospective conversion of the single-family dwelling into a 6 person HMO. The HMO comprises 6 bedrooms, a storage room, a communal kitchen, lounge area, 1 shower room and 1 bathroom. All occupants have access to communal amenity space at the rear of the building.
- 5.2 The initial submission indicated 7 bedrooms and following discussions with the agent, the floor plan has been amended to reflect 6 bedrooms. The agent has clarified that the initially indicated bedroom 4 is in use for maintenance storage and rental administration filing only and it does not constitute an additional bedroom at the site.

## 6.0 Relevant Planning History

- 6.1 TP/93/0269 - Construction of car port at side of existing house together with formation of canopy at side and front and erection of first floor extension over to provide additional living accommodation; extension of roof and formation of rooms in roof space involving the installation of a rear dormer: GRANTED with Conditions on 27.07.1993.

## 7.0 Consultation

### 7.1 Public

Number notified	5
Consultation start date	20.04.23
Consultation end date	14.05.23
Representations made	25
Objections	25
Other / support comments	0

In summary, the objections raise the following concerns:

- Loss of parking and inadequate parking provision
- Out of keeping with character of area
- Obstruction to driveway.
- The property has been in use as HMO since 2018 and it is surprising to see that an application has now been submitted. The property had HMO license in 2021 and there have been significant neighbouring impacts since then.

- Not enough information given on the submission.
- Legal action would be taken should the Council grant permission.
- Litter and general untidiness of the front and rear gardens.
- Use of the garden as a storage base for other properties within the agent's portfolio.
- Any approval would set a precedent for other properties in the area - this is a quiet residential street.
- Loss of privacy and overlooking due to previously implemented extensions.
- The property is not well maintained. Both the front and rear gardens are unkempt and overgrown with grass.
- Loss of family home. Multiple occupancy renting is likely to increase deterioration of the property further.
- Increase of pollution.
- Overdevelopment and overcrowding with visitors.
- Strain on community resources such as GP and transport services.

Officer response: The matters raised will be assessed in the analysis section of the report.

## 7.2 Internal and third-party consultees

<u>Consultee</u>	<u>Objection</u>	<u>Comment</u>
Licensing and Enforcement	No	The property is the only HMO on the street and the internal layout is acceptable.
Sustainable Drainage	No	Source control SuDS measures should be incorporated within the scheme.
Environmental Health	No	There are no significant impacts.
Thames Water	No	There are no comments to make.
Metropolitan Police	No	Secured by design condition and informative suggested.



## 8.0 Relevant Policies

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Enfield Core Strategy (2010); the Enfield Development Management Document (2014); and The London Plan (2021).

### National Planning Policy Framework (2021)

- 8.3 The National Planning Policy Framework sets out at Paragraph 11 a presumption in favour of sustainable development. For decision taking, this means:
- “(c) approving development proposals that accord with an up-to date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.4 Footnote (8) referenced here advises “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.”
- 8.5 In the three years to 2021 Enfield only met 67% of its housing requirement and this means we now fall into the “presumption in favour of sustainable development” category.
- 8.6 This is referred to as the “tilted balance” and the National Planning Policy Framework (NPPF) states that for decision-taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – which also includes the Development Plan. Under the NPPF paragraph 11(d) the most important development plan policies for the application are deemed to be ‘out of date’. However, the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it, and applications for new homes should be considered with more weight (tilted) by planning committee.

The level of weight given is a matter of planning judgement and the statutory test continues to apply, that the decision should be, as section 38(6) of the Planning and Compulsory Purchase Act 2004 requires, in accordance with the development plan unless material considerations indicate otherwise.

- 8.7 The NPPF (2021) advises that local authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy 5 of the Core Strategy seeks to ensure that new developments offer a range of housing sizes to meet housing needs whilst ensuring that the quality and character of existing neighbourhoods is also respected.

#### The London Plan (2021)

- 8.8 The London Plan is the overall strategic plan for London setting out an integrated economic, environmental, transport and social framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:

D3 Optimising site capacity through the design-led approach

D6 Housing quality and standards

D14 Noise

H1 Increasing housing supply

T2 Healthy Streets

T4 Assessing and mitigating transport impacts

T5 Cycling

T6.1 Residential parking

#### Core Strategy (2010)

- 8.9 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable. The following is considered particularly relevant:

CP2 Housing supply and locations for new homes

CP4 Housing quality

CP5 Housing types

CP22 Delivering sustainable waste management

CP25 Pedestrians and cyclists

CP30 Maintaining and improving the quality of the built and open environment

#### Development Management Document (2014)

- 8.10 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.

The following local plan Development Management Document policies are considered particularly relevant:

DMD3	Providing a Mix of Different Sized Homes
DMD4	Loss of Existing Residential Units
DMD5	Residential Conversions
DMD6	Residential Character
DMD8	General Standards for New Residential Development
DMD9	Amenity Space
DMD37	Achieving High Quality and Design-Led Development
DMD45	Parking Standards and Layout
DMD47	Access, New Roads and Servicing
DMD68	Noise

#### 8.11 Other Material Considerations

National Planning Practice Guidance (NPPG), 2021  
 Nationally Described Space Standard (NDSS, 2015)  
 London Plan Housing, Supplementary Planning Guidance (2016)

#### 8.12 Enfield Local Plan (Reg 18) 2021

The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for several sites. It is Enfield's Emerging Local Plan.

As the emerging Local Plan progresses through the plan-making process, the draft policies within it will gain increasing weight, but at this stage it has relatively little weight in the decision-making process.

Key local emerging policies from the plan are listed below:

*Policy DM DE1 – Delivering a well-designed, high-quality and resilient environment*  
*Policy DM DE13 – Housing standards and design*

### 9.0 **Assessment**

The main issues arising from this proposal to consider are:

1. Principle of development
2. Quality of accommodation
3. Character and appearance within the setting
4. Impact upon the amenity of neighbours
5. Parking and cycle parking
6. SuDS

#### Principle of development

- 9.1 Policy DMD 5 of the Development Management Document at paragraph 2.3.7 states that Houses of Multiple Occupation (HMO) are houses occupied by members of more than one household who share basic amenities such as a kitchen or bathroom. Amendments to legislation in 2010(3) allowed changes of use from single dwellinghouses (Use Class C3) to Houses in Multiple Occupation (Use Class C4) to take place without the need for planning permission. However, in October 2013, the Council confirmed an Article 4 Direction covering the whole borough, withdrawing permitted development rights for this change of use.

- 9.2 Policy DMD 5 is used to assess planning applications for the conversion of single family dwellings into HMOs and it states that development involving the conversion of existing units into self-contained flats and House in Multiple Occupation (HMO) or any other residential conversions will only be permitted if the following criteria are met. All development must:
- a) Provide a high quality form of accommodation which meets internal floor space standards in the London Plan;
  - b) Not harm the residential character of the area or result in an excessive number or cluster of conversions.
  - c) Not lead to an unacceptable level of noise and disturbance for occupiers and adjoining properties.
  - d) Incorporate parking and refuse storage arrangements that do not, by design or form, adversely affect the quality of the street scene.
- 9.3 The C4 use class is a residential use referring to small houses which are used by between 3 and 6 unrelated residents as a house for multiple occupation where they share basic amenities such as a kitchen or bathrooms. The planning agent has confirmed to the LPA that the HMO is occupied by a maximum of 6 people. As a result, the application is considered on this basis. It should be noted that a condition would be attached to any permission to ensure that no more than 6 people live in the HMO at any one time. If more than 6 persons are to occupy this dwelling, planning permission would be required for a larger HMO which, in planning terms, has a Sui Generis use (outside use Class C4).
- 9.4 Although the conversion has resulted in the loss of a single family dwelling, the HMO would not result in an excessive number or cluster of conversions in the immediate area or along Langham Gardens as a whole; this would be in accordance with Policy DMD5 and is therefore acceptable. The conversion is the only conversion that has occurred along the street. The retrospective 6 person HMO provides accommodation for residents with this particular type of housing need and it is deemed acceptable in principle, subject to further planning considerations as outlined below..

Quality of accommodation

- 9.5 The HMO has six bedrooms for a maximum of six people. The HMO comprises 6 bedrooms, storage room, a communal kitchen, lounge area, 1 shower room and 1 bathroom. The bedrooms meet the minimum nationally described space standard which require a single bedroom to have a minimum gross internal area of 7.5sqm and a width of at least 2.15m. Each of the bedrooms has a window providing natural light, ventilation and outlook. Furthermore, there is a garden to the rear which provides private amenity space of adequate quantity and quality.
- 9.6 The minimum floorspace requirement for a three storey 6b7p unit as detailed in the London Plan (2021) is 129sqm. The submitted plans indicate that the proposed HMO would retain a floorspace of 150sqm, which meets the above requirement.

Unit	GIA (sq,m)
Room 1	15.8
Room 2	11.4
Room 3	18.9
Office and storage	9.79
Room 4	9.58

Room 5	9.5
Room 6	15.92

- 9.7 The revised floor plans submitted indicate that the storage room at first floor would be used for property management only and not as an additional bedroom at the site, as the application is for 6 bedrooms and not for a 7 person HMO *sui generis*. A suitably worded condition is recommended above to ensure that the storage room remains in perpetuity and is not used as a bedroom.

#### Amenity space

- 9.8 DMD9 of the Development Management Document seeks to ensure that new development retains sufficient amenity spaces. The submitted floorplans indicate that the proposed amenity space for the development would be circa 200sqm which is acceptable.

#### Character and appearance

- 9.9 Policy DMD6 of the DMD provides standards for new development with regard to scale and form of development, housing quality and density. Policy DMD8 provides general standards for new residential development and reiterates the requirement for a development to be of an appropriate scale, mass and bulk, provide high quality amenity space and provide access to parking and refuse areas. DMD37 encourages achieving a high quality and design led development, which is reiterated within policies D4 and D8 of the London Plan (2021).
- 9.10 The existing development pattern on the streetscene features a variety of properties that generally maintain a uniformity in scale and character.
- 9.11 The retrospective HMO does not involve any extensions to the property and given this arrangement, the retrospective works are not considered to have altered the existing character of the property or the streetscene in view of policy DMD5 and DMD8.

#### Impact upon the amenity of neighbours

- 9.12 Policies DMD8, DMD10 and DMD11 of the Development Management Document seek to maintain residential amenities in regard to levels of outlook, sunlight and daylight. The HMO involves no extensions to the footprint of the property and is not considered to impact neighbouring amenity in view of daylight/sunlight.
- 9.13 The existing first floor flank window at the site retains obscure glazing and would have no impacts on the near neighbour. Although this existing first floor flank window retains obscure glazing, it has not been annotated as such on the elevation plans. To reduce any actual and perceived overlooking from the flank rooflights that previously served a storage space, a condition is suggested to ensure that these flank rooflights retain obscure glazing to mitigate the impact of overlooking to the near neighbour in view of policy DMD8.



- 9.14 Notwithstanding the objections received, the conversion with a maximum of 6 people living in the property would not lead to an unacceptable level of noise and disturbance for occupiers and adjoining properties. A total of 6 occupants is not dissimilar to the number of occupants that can live in a single family dwellinghouse, The Environmental Health Officer was also consulted on the application and raised no concerns in terms of noise and disturbance.

#### Transportation, servicing and parking

- 9.15 The site retains a single car parking space which is served by a shared crossover with no. 57. It is observed that the street has off-street parking spaces, however, there is capacity along the street to park and the site is not located in a CPZ. Furthermore, the Transportation team have not raised an objection to the scheme. To encourage the use of sustainable transport and ensure adequate recycling and waste facilities are provided, appropriate conditions would be attached to any permission.

#### Sustainable Drainage Systems (SuDS)

- 9.16 The application site is not located within a flood risk area and no extensions or landscaping alterations are proposed to the scheme. It is therefore considered appropriate to attach an informative to encourage the use of SuDS on the site.

#### Other Matters

- 9.17 The following concerns regarding the impact of the proposal have been raised by residents:
- Noise nuisance, doors slamming, cars honking at 3am, loud music etc
  - Anti-social behaviour and the smoking of illicit substances impacts a quiet residential neighbourhood and impacts on the younger community.
  - The proposal would affect house prices on the street.
  - Sense of insecurity when children are returning from school.
- 9.18 Officers consider that issues pertaining to antisocial behaviour and house prices are not material planning considerations and these need to be discussed with the relevant Council departments that oversee such resident concerns. An informative would be attached to any permission to encourage the applicant to seek advice of the Metropolitan Police Service Designing Out Crime Officers with regard to matters such as CCTV, lighting and visitor access.

### **10.0 Community Infrastructure Levy (CIL)**

- 10.1 The proposed development would not be liable to pay CIL at borough or mayoral levels.

## **11.0 Public Sector Equalities Duty**

- 11.1 In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. Section 149 of the Act requires public authorities to have due regard to several equality considerations when exercising their functions including decision making on planning applications. These considerations include: Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; Advance equality of opportunity between persons who share a relevant protected characteristic (explained in detail below) and persons who do not share it; Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 The main objective of the duty has been to ensure public policies and programmes are implemented fairly, in particular with regard to their impact on the protected characteristics identified above. In making this recommendation, due regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, marriage / civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- 11.3 When determining the planning application (and thereby accounting for the representations resulting from public consultation), the Council has considered the potential effects of the proposed development on those with protected characteristics as defined under the Equality Act 2010. In doing this, the Council has had due regard to equality considerations and attribute appropriate weight to such considerations. In providing the recommendation to Members that planning consent should be granted, officers have considered equalities impacts in the balance, alongside the benefits arising from the proposed development. The Council has also considered appropriate mitigation to minimise the potential effects of the proposed development on those with protected characteristics.
- 11.4 There are no statutory or regulatory requirements for the form or content of an equalities assessment. The scale and significance of such impacts cannot always be quantified, and it is common to address this through descriptive analysis of impacts and identifying whether such impacts are adverse or beneficial. The key elements of the Proposed Development which have an impact that could result in an equalities effect include the design and physical characteristics of the proposals subject to the planning application. Officers do not consider there would be a disproportionate equalities effect.
- 11.5 In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact has been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.
- 11.6 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

## **12.0 Conclusion and Recommendation**

- 12.1 Having regard to the assessment in this report, the development would provide HMO accommodation at the site. This would contribute towards the Borough's strategic objectives in terms of delivering a variety of housing needs. The quality of accommodation that the retrospective 6 person HMO would provide is acceptable, based on the up-to-date housing quality standards outlined in The London Plan (2021). The development would not result in the harmful overlooking of neighbours nor would it result in harm to the amenity and living conditions of neighbours.
- 12.2 The above assessment against the development plan policies has produced the following conclusion:
- The proposal would provide a 6 person HMO with an acceptable standard of accommodation that would contribute to the housing stock in the borough.
  - The proposed development is considered appropriate in form and design and would not result in detrimental harm to the character and appearance of the setting.
  - The proposal, by virtue of its form and small scale, would not harm the amenity of occupying and neighbouring residents.
  - There are no identified adverse effects on highway safety or traffic generation.
- 12.3 Having regard also to the mitigation secured by the recommended conditions it is considered that the benefits of the development would outweigh any identified impacts. When assessed against the suite of relevant planning policies, it is considered that planning permission should be granted subject to conditions.



Aerial View



Scale 1:500

# H. M. LAND REGISTRY GENERAL MAP

GREATER LONDON  
MIDDLESEX SHEET VII. 6. SECTION

Scale 1/250 or 104.2 Feet to One Inch

BOROUGH OF ENFIELD  
~~ENFIELD PARISH~~



Scale 1:1250



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giorgia.porcu@gmail.com

## TITLE BLOCK AND AERIAL VIEW

LG 00 scale 1:1250 and 1:500 @ A3

59 LANGHAM GARDEN, N21 1DL, LONDON



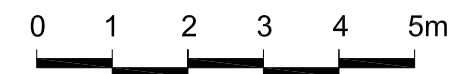
FRONT ELEVATION



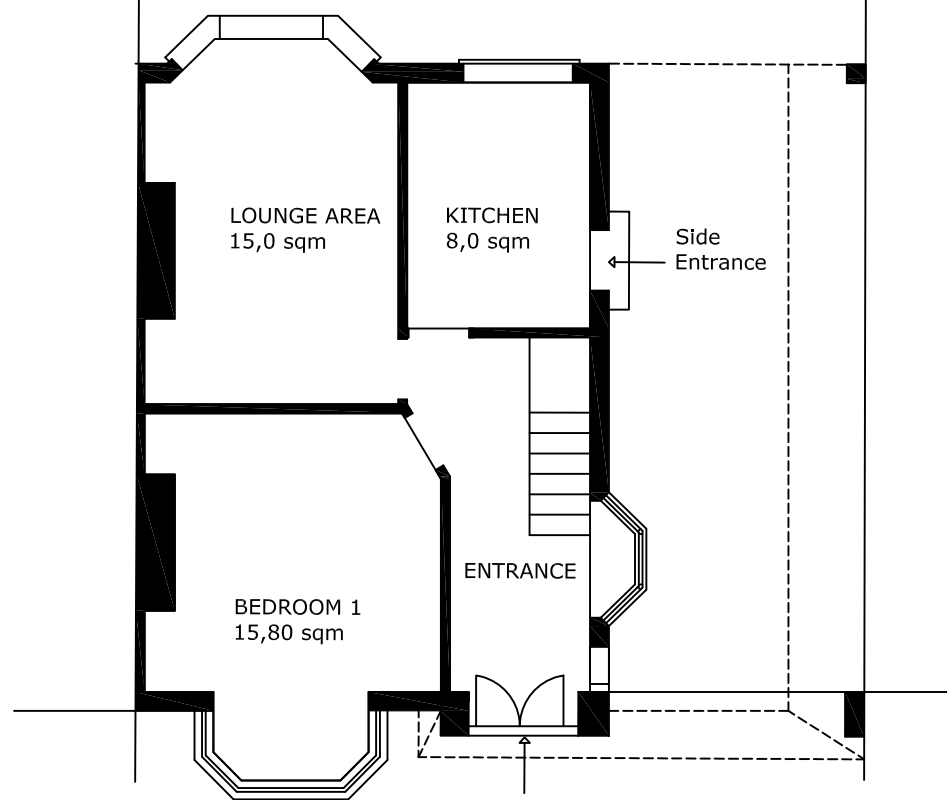
SIDE ELEVATION



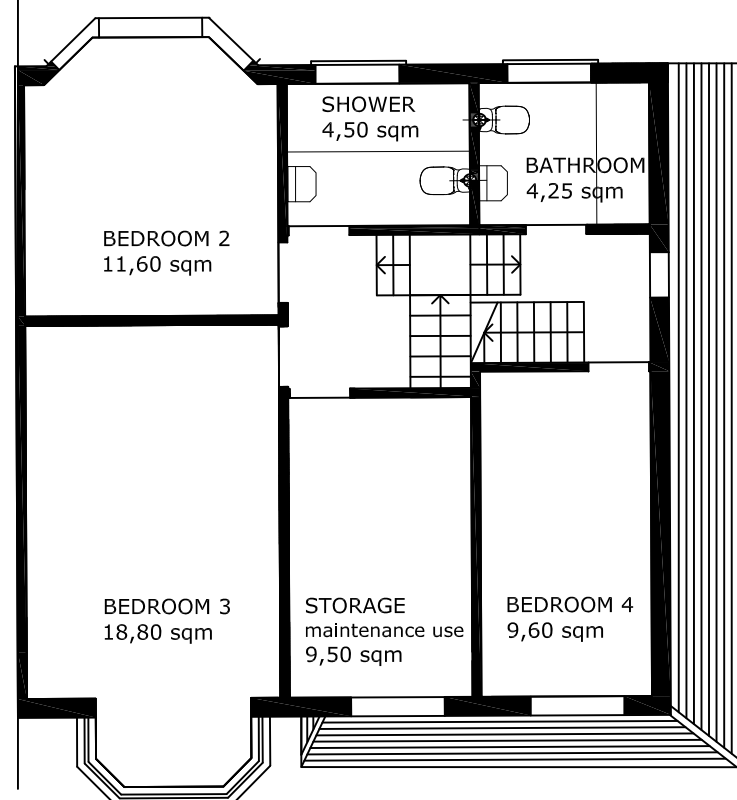
REAR ELEVATION



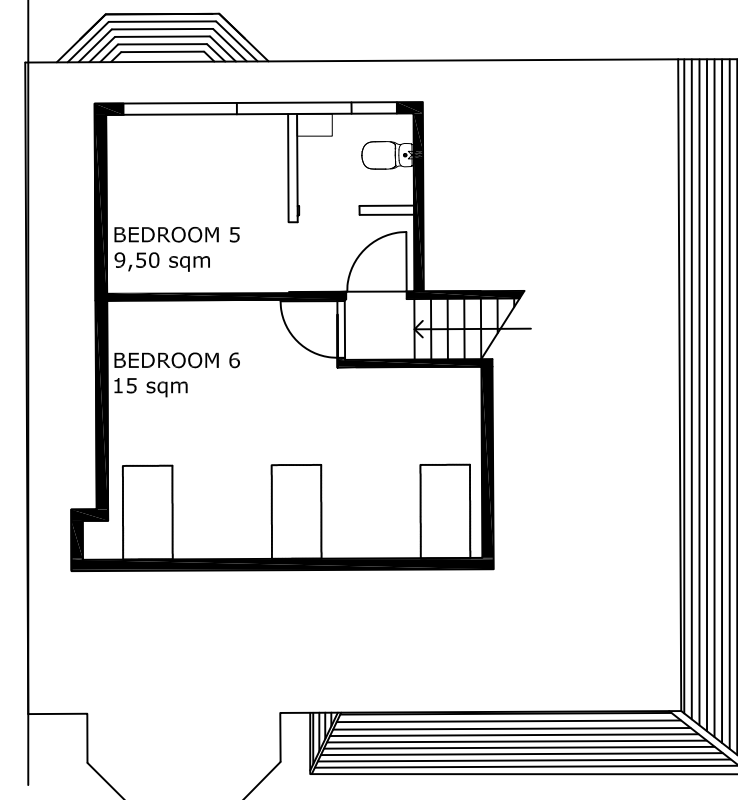




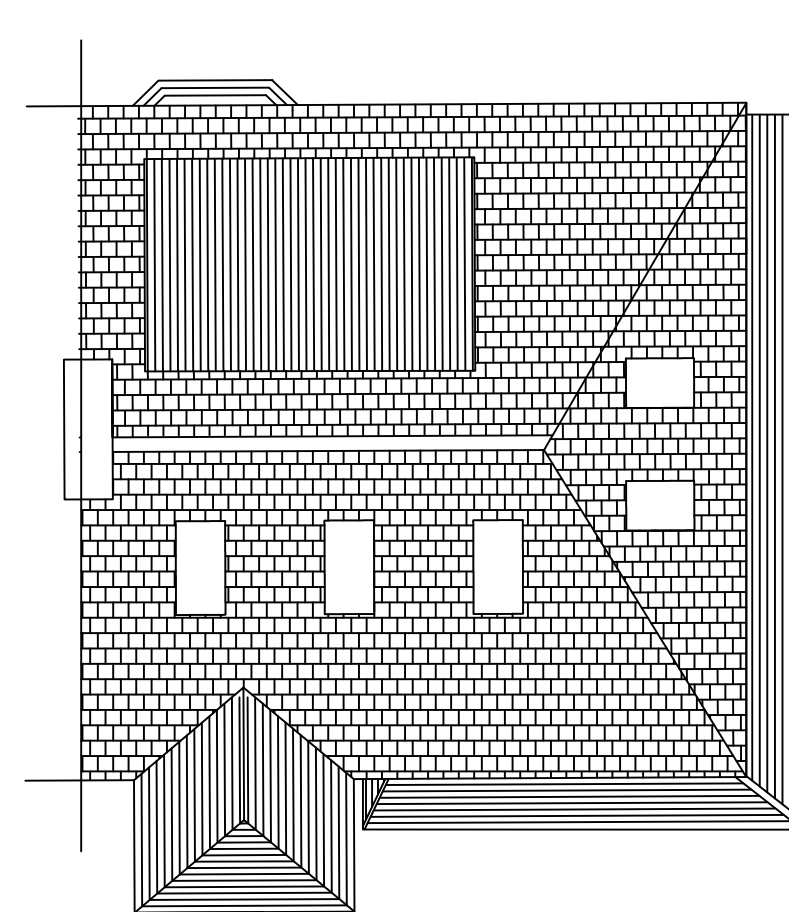
GROUND FLOOR PLAN



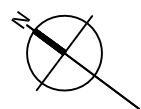
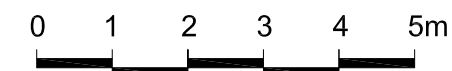
FIRST FLOOR PLAN



LOFT FLOOR PLAN



ROOF PLAN



# H. M. LAND REGISTRY GENERAL MAP

GREATER LONDON  
MIDDLESEX SHEET VII. 6. SECTION

Scale  $\frac{1}{1250}$  or 104.2 Feet to One Inch

BOROUGH OF ENFIELD  
~~ENFIELD PARISH~~



**Filed Plan of Title No. M X 37178**

M.B. 43.

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