

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2023/2781/P
<b>Officer</b>		<b>Expiry date</b>	
Tony Young		03/11/2023	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
Flats 2nd and 3rd Floor 8 Greencroft Gardens London NW6 3LS			
<b>Conservation Area</b>		<b>Article 4 Direction</b>	
South Hampstead		Heritage & conservation / basements	
<b>Proposal</b>			
Conversion from 2 x self-contained residential units at 2nd and 3rd floor levels to a single self-contained residential unit.			
<b>Recommendation:</b>		<b>Issue Certificate</b>	
<b>1.0 Introduction</b>			
1.1 The application site comprises a 4-storey building (above lower ground floor/basement) located on the north-west side of Greencroft Gardens. The building is divided into 4 separate residential units. The property is situated within the South Hampstead Conservation Area.			
1.2 The application seeks confirmation that a proposed conversion of 2 x self-contained residential units on the 2nd and 3rd floors to a single self-contained residential unit does not constitute development and is lawful such that planning permission would not be required.			
<b>2.0 Applicants Evidence</b>			
2.1 The applicant provided the following documents/drawings in support of the proposal: <ul style="list-style-type: none"> <li>• unnumbered site location and site plans</li> <li>• unnumbered existing and proposed floor plans (2<sup>nd</sup> and 3<sup>rd</sup> floor levels)</li> <li>• photograph (showing internal partition wall)</li> </ul>			
<b>3.0 Relevant history</b>			
3.1 None.			
<b>4.0 Assessment</b>			
4.1 Section 55(2)(f) of the 1990 Town and Country Planning Act (hereafter referred to as 'the Act') states that ' <i>in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section [i.e. the Use Classes Order], the use of the buildings or other land, or subject to the provisions of the order, of any part of the buildings or other land, for any purpose in the same class</i> ' is not to be taken for the purposes of the Act to involve development of the land.			
4.2 More specifically to this case, Section 55(3)(a) of the Act states that ' <i>the use as two or more separate dwelling houses of any building previously used as a single dwelling house involves a material change in the use of the building and of each part of it which is so used</i> '. However, the legislation does not comment on whether combining two dwellings into one would constitute development or not			
4.3 The Borough's Local Plan policies seek to protect existing housing by resisting development that would involve the net loss of two or more homes. As the proposal would only involve the			

loss of one residential unit, it is not considered to materially impact the Borough's housing stock, nor to impact the ability of the Council to meet its increased housing targets. It is noted also that the site would remain wholly in residential use following the conversion of the two residential flats in question into one flat. As such, the proposed internal works to take down an existing non-load-bearing stud partition wall between both flats is not considered to result in a material change of use. Therefore, the works are not considered to fall within the 'meaning of development' requiring planning permission as defined under Section 55(2)(f) of the Act.

4.4 Relevant to this determination is the appeal case reference APP/X5210/X/17/3172201 (2 & 3 Wildwood Grove; Ref: 2016/5621/P) which allowed the conversion of two residential dwellings into one unit within the borough of Camden dated 15/01/2018. In the assessment, the Planning Inspector considered that the amalgamation of two dwellings into one would not be a material change of use and therefore would not constitute development.

4.5 The current proposal would not, therefore, result in a material change of use, nor fall within the 'meaning of development' which would require planning permission, as defined by section 55 of the Act.

4.6 Consequently, the proposal is lawful and it is recommended that a Certificate of Lawfulness be granted.

**5.0 RECOMMENDATION:** Grant Certificate of Lawfulness