

LDC (Proposed) Report	Application Number(s)	2024/0014/P
Officer	Expiry date	
Alex Kresovic	28/02/2024	
Application Address	Drawing Numbers	
69 Patshull Road London NW5 2LE	See draft decision notice	
Conservation Area	Relevant article 4	
Bartholomew Estate Conservation Area	None relevant	
Proposal(s)		
Amalgamation of the two existing flats into one self-contained flat (Use Class C3).		
Recommendation(s):	Grant Lawful Development Certificate	

Site Description

The host property is in use as flats. The property has been divided into two self-contained residential units (Class C3).

Relevant History

2022/4490/P - Increase of the size of a window to the first floor rear elevation, the introduction of a window to the first floor side elevation, and a rooflight above the existing first floor rear extension. **Granted 20 March 2023.**

2020/0736/P - Non-material amendments to planning permission ref. 2018/2827/P dated 05/04/2019 (as amended by 2019/3223/P dated 15/08/2019) for 'Erection of part single, part two storey rear and side extension etc'; namely to change the side elevation windows and top rooflights, alteration to front first floor window and roof of side dormer, change of cladding materials of rear dormer and install a rooflight to first floor rear extension. **Granted 20 April 2020.**

2019/4388/P - Details of windows, doors and front boundary treatment as required by Condition 6 of planning permission dated 05/04/2019 (ref. 2018/2827/P) for Erection of part single, part two storey rear and side extension; replacement side and rear dormers; replacement windows and doors; erection of new boundary treatment to front and rear. **Granted 8 November 2019.**

2019/3223/P - Amendments to planning permission dated 05/04/2019 ref. 2018/2827/P (for Erection of part single, part two storey rear and side extension etc), namely, to change fenestration to ground and 1st floors of the rear extension; add a rooflight to side extension; and various internal alterations including altered staircase arrangements. **Granted 15 August 2019.**

2019/2064/P - Amalgamation of two flats at ground floor and first floor levels. **Granted 5 June 2019.**

2018/2827/P - Erection of part single, part two storey rear and side extension; replacement side and rear dormers; replacement windows and doors; erection of new boundary treatment to front and rear; and minor alterations. **Granted 5 April 2019.**

Assessment

1. Proposal

1.1 A Certificate of Lawfulness is sought for the proposed amalgamation of two flats into one single residential unit, resulting in a net loss of one residential unit from the building.

1.2 The applicant seeks to confirm that the alterations would not constitute development, and so planning permission is not required under section 55 of the Town and Country Planning Act 1990.

2. Assessment

2.1 The Town & Country Planning Act 1990, Section 55 states that “the use as two or more separate dwelling houses of any building previously used as a single dwellinghouse involve a material change in the use of the building and of each part of it which is so used”. However, the legislation does not comment on whether combining two dwellings into one would constitute development. In this case the proposal is to merge two residential units in the building. This would mean it goes from two units to one unit in this property, resulting in a net loss of one unit.

2.2 Whether loss of an existing use has material planning consequences, even with no amenity or environmental impact, is relevant to considering whether that change is a material change of use. Policy can be a material consideration in this assessment (although not determinative).

2.3 Camden Local Plan policy H1 seeks to maximise housing supply, but policy H3 resists the loss of residential floorspace, and resisting the net loss of two or more homes (from individual or cumulative proposals).

2.4 There would be no loss of residential floorspace, and only loss of a single unit. There has been no other net loss of residential unit numbers in the building in the last 10 years. The proposal would be reverting the building to its as built state as a single dwelling. In this context, the proposal would not materially impact the Borough’s housing stock, nor the ability of the Council to meet its increased housing targets. The building would remain in residential use.

2.5 No material alteration to the external appearance of the building is proposed. The de-intensification of the units from two to one would have no material impact of neighbour amenity, environment, or infrastructure.

2.6 The works are not considered to fall within the “meaning of development” requiring planning permission of section 55(2)(f) as defined by the Town and Country Planning Act 1990.

2.7 Relevant to this determination is the appeal case reference:

APP/X5210/X/17/3172201 (2 & 3 Wildwood Grove; ref: 2016/5621/P) in Camden, which was allowed on 15/01/2018 for the conversion of two residential dwellings into one. In the assessment, the Inspector considered that the amalgamation of two dwellings into one would not be a material change of use and therefore would not constitute development.

3. Recommendation

3.1 The works for this application would not constitute development as defined by section 55 of the Town & Country Planning Act 1990, and therefore would not require planning permission.

3.2 Grant Certificate of Proposed Lawful Development.