



ROAR

Project 212_64 Sarre Road
Subject Application for a Certificate of Lawfulness of Proposed use –
Deconversion of 2 flats into one Dwellinghouse
Date April '24

<u>Item</u>	<u>Note</u>
<u>1.00</u>	<u>Introduction</u>
1.01	ROAR Architects have been instructed to submit an application for a Certificate of lawfulness of proposed use or Development (CLOPUD) in respect of 64 Sarre Road, London, NW2 3SL (the site)
1.02	Section 192 of the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any proposed use of a building is lawful, they may submit an application to the Local Planning Authority for a CLOPUD.
1.03	Part D of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) is separated into two individual Classes of which Class C3 'dwellinghouses' is relevant to this CLOPUD application.
1.04	This application seeks confirmation that the proposed reinstatement of no. 64 Sarre Road from three Class C3 self-contained flats to one Class C3 single dwellinghouse does not comprise development falling under Section 55 of the Town and Country Planning Act 1990 and therefore is lawful.
1.05	This application refers only to the use of the building as a single dwellinghouse. No External works are proposed.
<u>2.00</u>	<u>Site Description</u>
2.01	<p>The site located in the west of Camden Borough, with Finchley road to the north & mainline train line to the south.</p> 

2.02	West Hampstead Tube, Overground & rail station is located 10 minutes' walk away to the South, West Hampstead high street is a 15 walk.
2.03	<p>The property is situated within a predominantly residential area which consists of mainly 2 story Victorian housing stock. The property currently houses 2 self-contained 2-bedroom flats on the Ground & First Floors. Two separate entrances have been created internally within the original hallway space with the first floor flat accessible via what would have originally been the main staircase. Looking at the street elevation on the photograph below the property was originally constructed as one single dwelling house.</p> 
2.04	The property is not located within a conservation area, is neither listed nor locally listed.
2.05	This application seeks to return the building to a single dwelling house, by removing the two internal separate entrances and reinstating the ground floor main hallway (staircase will be retained) and the kitchen removed at first floor level for a master bedroom. No external changes are proposed.
<u>3.00</u>	<u>Planning History</u>
3.01	There are currently no records shown on the LPA planning records of when the dwelling was converted into flats. However, records show a planning application for an extension to the ground floor flat in 2012 which was Granted. (Planning Ref: 2012/6354/P)
<u>4.00</u>	<u>The Lawfulness of the Proposed Development</u>

4.01	<p>As set out at Section 55(1) of the Town and Country Planning Act 1990, planning permission is only required for proposals which constitute “development”, which includes operational development and making a material change of the use of land. The proposed amalgamation of two units is a non-operational development. Therefore, the main issue is whether or not the proposed amalgamation constitutes a material change of use. The Town and Country Planning Act 1990 is silent on this matter, and it is therefore a matter which falls to planning case law</p>
4.02	<p>The existing & proposed would continue to be residential (C3 use). The proposal does not propose any external alterations & the proposal would have no impact on the residential character of the area.</p>
4.03	<p>Camden Local Plan Policy H3 states that the Council will resist development that would involve a net loss of residential floorspace and that would involve the net loss of two or more homes (from individual or cumulative proposals). In this instance, there is no loss of residential floor space and only the loss of one unit, that is small & cramped. Camden’s Planning Guidance on Housing (2021) provides useful guidance on how the Council interpret Local Plan Policy H3. Of particular note is paragraph 10.1, which confirms that guidance does not relate to applications for Lawful Development Certificates.</p>
4.04	<p>In this context, the proposal would not materially impact the Borough’s housing stock, nor the ability of the Council to meet its housing targets. The building would remain in residential use. There are no material alterations proposed to the external appearance of the building. The de-intensification of the units from two to one would have no material impact on neighboring amenity, environment, character or infrastructure.</p>
4.05	<p>The proposal results in the loss of a single dwelling and does not result in the loss of any residential floorspace. There would be no conflict with Local Plan Policy H3. The proposal would not have a material impact on the Borough’s housing stock or impact on the ability of the Council to meet its housing target. The proposal does not constitute a material change of use and therefore is not development, as defined by Section 55 of the Town and Country Planning Act 1990 (as amended).</p>
<u>5.00</u>	<u>Summary & Conclusion</u>
	<p>The supporting statement has been prepared to accompany the submission of an application for a certificate of Lawfulness of proposed use or development in respect of 64 Sarre Road.</p> <p>The proposed amalgamation of two residential flats into a single dwelling house is not development, as defined by section 55 of the Town and Country Planning Act 1990, since the proposal does not constitute a material change of use and no building operations are proposed.</p> <p>It is therefore respectfully requested that a certificate is issued.</p>