

LDC (Proposed) Report	Application number	2024/2099/P
Officer	Expiry date	
Fast Track Team	19/07/2024	
Application Address	Authorised Officer Signature	
38 Maygrove Road London NW6 2EB		
Conservation Area	Relevant article 4	
Not within conservation area	None relevant	
Proposal		
Conversion of 2 flats into a single family dwelling (Class C3).		
Recommendation:	Grant Lawful Development Certificate	

1.0 Site Description

- 1.1 The proposed site relates to a three storey dwelling located to the south of Maygrove Road, opposite the junction with Fordwych Road. The site is not located within a conservation area or the setting of a listed building.
- 1.2 The host property is in use as flats. The property has been divided into 2 flats with flat A residing on the ground floor and flat B on floors 1 and 2.

2.0 Proposal

- 2.1 A Certificate of Lawfulness is sought for the proposed amalgamation of 2 flats into 1 single residential unit, resulting in a net loss of 1 residential unit from the building.
- 2.2 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.

3.0 History

- 3.1 At the application site:

26290 - The change of use to two self-contained dwelling units including works of conversion and the provision of a roof terrace at second floor Level. Conditional grant at committee 25/05/1978.

2014/2941/P – Erection of single storey rear extension and installation of 4x rooflights. Granted 11/07/2014.

The council tax records indicate the property has been in use as 2 flats for more than four years.

4.0 Assessment

- 4.1 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 dwelling house 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 2 units to 1 units in this property, resulting in a net loss of 1 unit.
- 4.2 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).
- 4.3 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).
- 4.4 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. 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.
- 4.5 The proposal is not contrary to any policy within the Fortune Greene & West Hampstead Neighbourhood Plan.
- 4.6 There would be no material alteration to the external appearance of the building are proposed. The de-intensification of the units from two to one would have no material impact of neighbour amenity, environment, or infrastructure.
- 4.7 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.
- 4.8 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.

5.0 Conclusion

- 5.1 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.
- 5.2 Grant Certificate of Proposed Lawful Development.