

LDC (Proposed) Report		Application number	2024/1824/P
Officer		Expiry date	
Tony Young		04/07/2024	
Application Address		Authorised Officer Signature	
Flats 8-9 1a St. John's Wood Park London NW8 6QS			
Conservation Area		Article 4 Direction	
None		Basements	
Proposal			
Amalgamation of 2 x residential units at 4th and 5th floor levels (Flats 8 and 9) into a single self-contained duplex unit (Class C3).			
Recommendation:		Issue Certificate	
1.0 Introduction			
<p>1.1 The application site comprises a 6-storey (with basement) purpose-built block of residential flats located on the western side of St. John's Wood Park. The building is divided into 9 separate residential units (Flats 1-9). The property is not listed nor is it situated within a conservation area.</p> <p>1.2 The application seeks confirmation that a proposed internal amalgamation of Flats 8 and 9 which are located on the 4th and 5th floors respectively into a single self-contained duplex unit would not constitute development for the purpose of Section 55 of the Town and Country Planning Act (as amended) and is lawful such that planning permission would not be required.</p>			
2.0 Applicants Evidence			
<p>2.1 The applicant has provided the following documents/drawings in support of the proposal:</p> <ul style="list-style-type: none"> • <u>Cover Letter</u> from UPP Architects + Town Planners received 09/05/2024. • <u>Site location plan</u> (ref. 8-91AS-A-01-001) identifying the application site in red. • <u>Existing floor plans, elevations, sections and visualisations</u> (ref. 8-91AS-A-)01-002, 02-001, 02-002, 03-001 to 03-007 (inclusive), 05-001, 05-002, 06-001 to 06-004 (inclusive). • <u>Proposed floor plans, elevations, sections and visualisations</u> (ref. 8-91AS-A-)02-101, 02-102, 03-101 to 03-107 (inclusive), 05-101, 05-102, 06-101 to 06-104 (inclusive). 			
3.0 Relevant history			
<ul style="list-style-type: none"> • <u>2018/4763/P</u> (Land adj. to 1 St John's Wood Park) - Redevelopment of former garage site to form 6 storey (plus basement) residential block containing 9no. units (3 x 4 bed duplexes, 3 x 3 bed flats, 3 x 2 bed flats) (Use Class C3), with associated amenity space, cycle store, plant, and waste storage. <u>Planning permission granted subject to a Section 106 legal agreement dated 25/11/2019</u> • <u>2019/6323/P</u> (Land adj. to 1 St John's Wood Park) - Variation of condition 2 (approved plans) of planning permission 2018/4763/P dated 25/11/2019; namely to extend the rear wall at ground to fourth floor levels; relocate waste and cycle stores; make alterations to side access; reduce internal ceiling heights (and overall height of the building); replace roof level railings with 'mansafe system'; and extend side basement wall. <u>Planning</u> 			

4.0 Assessment

- 4.1 Section 55(2)(f) of the 1990 Town and Country Planning Act (hereafter referred to as 'the Act') states that *'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'* 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 *'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'*. 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 single unit.
- 4.4 As such, the proposed internal works to convert two entrance doors to fire exit doors at 4th floor level (currently Flat 8) is not considered to result in a material change of use. No material alteration to the external appearance of the building is proposed. 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.
- 4.5 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.
- 4.6 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. Consequently, the proposal is lawful and it is recommended that a Certificate of Lawfulness be granted.

5.0 RECOMMENDATION: Grant Certificate of Lawfulness