

LDC (Proposed) Report	Application number	2024/1688/P
Officer	Expiry date	
Fast Track Team	25/06/2024	
Application Address	Authorised Officer Signature	
34 Queen's Grove London NW8 6HN		
Conservation Area	Relevant article 4	
St Johns Wood Conservation Area	None relevant	
Proposal		
Use of the garden dwelling as an annex to the semi-detached dwelling.		
Recommendation:	Grant Lawful Development Certificate	

1.0 Site Description

- 1.1 The host property principally accommodates a large semi-detached mid-19th century villa on the southeast side of Queen's Grove, at its junction with Woronzow Road.
- 1.2 The building comprises lower and upper ground floors, first and second floors with a 3-storey side extension on the south side and other modern additions.
- 1.3 To the rear of the main dwelling, within the property curtilage, is a smaller two-storey building, basement and ground floor. The building sits within the garden area of the main dwelling, and there is no physical separation, in terms of boundary treatments, between the main building and the smaller dwelling. There is a pedestrian access to the garden dwelling, via Woronzow Road.
- 1.4 The building is Grade II listed and is located in the St Johns Wood Conservation Area.

2.0 Proposal

- 2.1 A Certificate of Lawfulness is sought for the proposed amalgamation of the semi-detached dwelling and garden dwelling, into 1 single residential unit, resulting in a net loss of 1 residential unit from the building. No external changes are proposed.
- 2.2 The applicant seeks to confirm that the use of the garden dwelling as an annex of the semi-detached dwelling, would not constitute development, and so planning permission is not required under section 55 of the Town and Country Planning Act 1990.
- 2.3 In support of the application, the applicant has submitted existing plans and elevations semi-detached dwelling and the garden dwelling.

3.0 History

3.1 At the application site:

- LWX0202756 & PWX020755 – The demolition of a garage at the rear of the site and the construction of a two storey residential dwelling comprising two double bedrooms. As shown on drawing numbers: 02/01, 02, 03, 04, 05, 06, 07, 08, 09, 010. **Planning Permission and Listed Building Consent refused on 22/10/2002.**
- 2003/3233/P – Demolition of existing garage in rear garden and erection of two storey residential building to be used ancillary to 34 Queens Grove plus replacement of entrance gate by new brick wall and entrance door facing Woronzow Road. **Planning Permission refused 06/08/2004. Dismissed on appeal on 03/05/2005.**
- 2005/0591/P – Demolition of existing garage at rear end of garden; erection of a single-storey building with mansard roof with 2 x dormer windows to provide a residential accommodation ancillary to the main house, with pedestrian access gate to Woronzow Road. **Planning Permission refused on 05/05/2005.**
- 2006/5273/L & 2006/5268/P - Demolition of existing garage and erection of a basement and ground floor dwellinghouse with bicycle store at the end of the garden, plus boundary wall and gate alterations to Woronzow Road. **Listed Building Consent granted on 09/02/2007 and Full Planning Permission granted subject to S106 on 08/10/2007.**

3.2 Related planning history (other sites in Camden):

2021/0585/P – 46 Gayton Road, NW3 1TU Amalgamation of 2 flats into a single dwellinghouse (Class C3). **Certificate of Lawfulness Granted 31/03/2021**

2020/5030/P – 7 Well Road, NW3 1LH Amalgamation of 2 flats to use as a single residential unit (Use Class C3). **Certificate of Lawfulness Granted 10-11-2020**

2020/4444/P – Chesterfield House - Flat 4 1B King Henry's Road - Amalgamation of 2 flats into a single residential unit at first floor level (Use Class C3). **Certificate of Lawfulness Granted 27-10-2020**

2020/3190/P – 38 Crediton Hill London NW6 1HR Amalgamation from 3 flats to 2 flats and infilling ground floor window opening (Class C3). **Certificate of Lawfulness Granted 21-07-2020**

2020/3286/P – 9 Evangelist Road NW3 1UA- Amalgamation of 2 flats into a single residential unit at lower ground level (Class C3). **Certificate of Lawfulness Granted 25-06-2020**

2020/2804/P – 27 Belsize Park Amalgamation of 2 flats into a single residential unit at lower ground level (Class C3). **Certificate of Lawfulness Granted 25-06-2020**

2020/1441/P – 13 Steele's Road London NW3 4SE Amalgamation of a 3 bed flat on ground and first floors with a 2 bed flat on second and third floors to form one 5 bedroom self-contained residential flat (Class C3). **Certificate of Lawfulness Granted 21-04-2020**

2020/1755/P – Flat 2 and Flat 3 53 Primrose Gardens London NW3 4UL Amalgamation of a 3 bed flat on ground and first floors with a 2 bed flat on second and third floors to form one 5 bedroom self-contained residential flat (Class C3). **Certificate of Lawfulness Granted 21-04-2020**

2020/0788/P – Upfleet Vale of Health London NW3 1AN Amalgamation of 2 bed flat over lower ground and ground floor with 1 bed flat over first floor to create a 3 bed residential unit (Class C3). **Certificate of Lawfulness Granted 17-02-2020**

2019/3652/P – 17 and 18 Well Road London NW3 1LH Amalgamation of two properties into a single dwelling. **Certificate of Lawfulness Granted 15-10-2019**

2019/4264/P – 21 Gascony Avenue London NW6 4NB Amalgamation of two flats into single dwelling house (Class C3). **Certificate of Lawfulness Granted 09-09-2019**

2019/2064/P – 69 Patshull Road London NW5 2LE Amalgamation of two flats at ground floor and first floor levels. **Certificate of Lawfulness Granted 05-06-2019**

2019/1399/P – 28 Frognal Lane London NW3 7DT Amalgamation of two flats (lower ground floor and ground floor) into single dwelling. **Certificate of Lawfulness Granted 03-04-2019**

2019/0002/P – 23 Hampstead Hill Gardens London NW3 2PJ Amalgamation of two flats at basement and ground floor levels. **Certificate of Lawfulness Granted 19-03-2019**

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 utilise the existing garden dwelling, as an annex to the principal, semi-detached dwelling at the site. This would mean the number of dwellings at the site 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 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.

4.6 Additionally, the garden annex would:

- Remain within the curtilage of the main dwelling;
- Not be separated from the main dwelling by any boundary demarcation
- Remain modest in proportion to the site and not result in over development.
- Be in the same ownership as the main dwelling;
- Utilise the same household bins as the main dwelling.

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.