

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2024/1412/P
<b>Officer</b>		<b>Expiry date</b>	
Jaspreet Chana		05/06/2024	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
64 Sarre Road London Camden NW2 3SL			
<b>Conservation Area</b>		<b>Relevant article 4</b>	
None		Article 4 Basements	
<b>Proposal</b>			
Amalgamation of two flat units into one residential dwelling			
<b>Recommendation:</b>		<b>Grant Lawful Development Certificate</b>	

## 1. Site Description

1.1. The host property is a two-storey semi-detached building on the eastern side of Sarre Road, close to the junction with Minster Road. The property has been divided into two flats: a two-bedroom flat at ground floor level and a three-bedroom flat at first floor level. The building is not listed and is not located within a conservation area. The site lies within the Fortune Green and West Hampstead Neighbourhood Area.

## 2. Proposal

2.1. A Certificate of Lawfulness is sought for the proposed amalgamation of the two flats into one single house, resulting in a net loss of 1 residential unit within the buildings.

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

## 3. History

- **2018/2691/NEW** – Certificate of Lawfulness (Proposed) for loft conversion works, including: removal of hipped roof, gable wall built up and roof extended, new rear facing dormer with windows, 3no. rooflights to front facing roof. (Application withdrawn as property subdivided into flats which do not benefit from permitted development rights for the proposed form of development (as these only apply to single family dwellinghouses))
- **2012/6354/P** – Erection of a ground floor rear extension to existing flat (C3) and the addition of a side window to an existing extension - planning permission granted 22/01/2013.

3.1. The council tax records indicate the property has been in use as two flats for more than four years, since 15/07/2013.

#### 4. 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 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. In this case the proposal is to merge two residential units. The building would go from comprising two units to one unit, i.e. a net loss of one unit.

4.2. Whether a change has material planning consequences is relevant to establishing whether that change is material and therefore whether development has or will take place. Planning policy can be a material consideration in this assessment (although not determinative).

4.3. Policy H3 of the Camden Local Plan seeks to resist the loss of residential floorspace. However, the policy states that the net loss of two or more homes (from individual or cumulative proposals) will be resisted.

4.4. There would be no loss of residential floorspace, and the loss of a single unit only. (There has been no other net loss of residential unit numbers within 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 and it would not fall within the remit of policy H3. The building would remain in residential use, with the same amount of residential floorspace and there would be no loss of units which should be resisted in accordance with policy.

4.5. No material alteration to the external appearance of the building is proposed. The reduction in the number of units from two to one would not constitute a material change of use; it would have no material impacts on amenity, environmental conditions or infrastructure impacts.

4.6. As the works would not encompass a material change of use or external alterations materially affecting the appearance of the building they 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.

4.7. 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 constitute a material change of

use and therefore would not constitute development.

## **5. Conclusion**

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

5.2. Grant Certificate of Lawful Development.