

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2024/2580/P
<b>Officer</b>		<b>Expiry date</b>	
Fast Track Team - Geri		20/08/2024	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
50 South Hill Park London NW3 2SJ			
<b>Conservation Area</b>		<b>Relevant article 4</b>	
South Hill Park		None relevant	
<b>Proposal</b>			
Amalgamation of two flats into a single family dwelling (Class C3).			
<b>Recommendation:</b>		Refuse Lawful Development Certificate	

## 1.0 Site Description

- 1.1 The proposed site relates to a four storey semi-detached Victorian townhouse, including a lower ground floor and a mansard storey.
- 1.2 The host property is in use as flats. The property has been divided into two flats with the lower and upper ground floors forming one maisonette with an entrance at lower ground floor, and with the first and second floors forming the other one with the entrance at upper ground floor level.

## 2.0 Proposal

- 2.1 A Certificate of Lawfulness is sought for the proposed amalgamation of two flats into one single residential unit, resulting in a net loss of one 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:

9101105 - Change of use and works of conversion to provide 2 two-bedroom flats including the installation of new steps in the front garden to give access to the lower ground floor – Granted 12/11/1991.

8500784 - The erection of a bay window extension as an amendment to the planning permissions dated 14th February 1985 (Regd.No.8402083(R1)) and 20th May 1985 (Regd.No.8500453(R1) – Granted 03/07/1985

8500713 - Alterations including the addition of a bay window at lower ground floor level –

Withdrawn 08/05/2003

8500453 - Amendment to planning permission dated 14th February 1985 including alterations to mansard roof deletion of part of the ground floor rear extension and formation of balcony at ground floor level – Granted 14/05/1985

8500183 - Extension of existing first floor bedroom – Withdrawn 08/05/2003

8402083 - Alterations to the second floor replacing existing pitched roof with mansard roof; erection of a rear extension at basement and ground floor levels and the formation of a balcony at first floor level – Granted 06/02/1985

The council tax records indicate the property has been in use as two flats (Nos. 50 and 50A South Hill Park) for more than four years.

### 3.2 Related planning history (other sites in Camden):

**2023/0430/P - 10 Thanet Street, WC1H 9QL** Amalgamation of two flats into a single dwellinghouse (Class C3). **Certificate of Lawfulness Granted 03/04/2023**

**2023/0536/P - Flat A and Flat B, 134 Belsize Road, NW6 4BG** Amalgamation of two flats into a single dwellinghouse (Class C3). **Certificate of Lawfulness Granted 28/02/2023**

**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 Frogmal 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 merge two residential units in the building. This would mean it goes from two units to one unit in this property, resulting in a net loss of one 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.

4.5 However, the site is in the Hampstead Neighbourhood Plan area and the development plan for this area includes the need to retain smaller homes and prevent amalgamation. The proposal is contrary to policy HC1 of the Hampstead Neighbourhood Area Plan 2025-2040 which requires protection of small units.

4.6 As such, the amalgamation in this area would have a material impact on the provision

of housing in conflict with the development plan. Therefore, as a matter of fact and degree, the change of use from two homes to one would be material in this part of the borough.

4.7 There would be no material alteration to the external appearance of the building as proposed. The de-intensification of the units from two to one would have no material impact of neighbour amenity, environment, or infrastructure, but would have a material planning impact on housing provision. This is more acute given the borough's housing needs and recent housing delivery.

4.8 The amalgamation of two dwellings into one would be a material change of use and therefore would constitute development and require planning permission. No planning permission has been granted and so the proposed change would not be lawful.

## **5.0 Conclusion**

5.1 The works for this application would be material in planning terms and constitute development as defined by section 55 of the Town & Country Planning Act 1990, and therefore would require planning permission.

5.2 Refuse Certificate of Proposed Lawful Development.