

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2024/3482/P
<b>Officer</b>		<b>Expiry date</b>	
Tony Young		14/10/2024	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
Flats 3 and 7, South Hill Mansions 68-70 South Hill Park London NW3 2SL			
<b>Conservation Area</b>		<b>Article 4 Direction</b>	
South Hill Park		Basements	
<b>Proposal</b>			
Amalgamation of 2 x residential units at 1st floor level (Flats 3 and 7) into a single self-contained unit (Class C3).			
<b>Recommendation:</b>		<b>Issue Certificate</b>	
<b>1.0 Introduction</b>			
1.1 The application comprises a 3-storey (plus mansard roof) mansion block on the western side of South Hill Park divided into separate residential units. The property is not listed and located within the South Hill Park Conservation Area.			
1.2 The application seeks confirmation that a proposed internal amalgamation of Flats 3 and 7 which are located on the 1st floor into a single self-contained 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.			
<b>2.0 Applicants Evidence</b>			
2.1 The applicant has provided the following drawings in support of the proposal:			
<ul style="list-style-type: none"> <li>• <u>Site location plan</u> (unnumbered) identifying the application site in red</li> <li>• <u>Existing and proposed 1<sup>st</sup> floor plans</u> (ref. 01) dated 20/08/2024</li> </ul>			
<b>3.0 Relevant history</b>			
<ul style="list-style-type: none"> <li>• <b>2019/5193/P</b> (Flat 3) - Increase in height of existing first floor rear store room; replacement of existing store room door with new door with window above. <u>Planning permission granted 07/01/2020</u></li> </ul>			
<b>4.0 Assessment</b>			
4.1 Section 55(2)(f) of the 1990 Town and Country Planning Act (hereafter referred to as 'the Act') states that ' <i>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</i> ' 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 ' <i>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</i> '. 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, including alterations to an entrance door at 1st floor level (currently Flat 3), are 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 Similarly, therefore, the current proposal would not 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