

LDC (Proposed) Report		Application number	2024/3761/P
Officer		Expiry date	
Gary Wong		06/11/2024	
Application Address		Authorised Officer Signature	
Flat A 19 Belsize Park London NW3 4DU			
Conservation Area		Article 4	
Belsize Park Conservation Area		None relevant	
Proposal			
Conversion of two flats into one residential unit.			
Recommendation:	Grant Lawful Development Certificate		

1. Site description

- 1.1. The host property is a 4-storey semi-detached residential dwelling in use as flats. The property has been divided into 5 flats.
- 1.2. The building is not listed but is located in the Belsize Park Conservation Area and identified in the conservation area appraisal as a positive contributor.

2. Proposal

- 2.1. A Certificate of Lawfulness is sought for the proposed amalgamation of 2 flats (both at lower ground floor) 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 proposal would not constitute development and therefore planning permission is not required under Section 55 of the Town and Country Planning Act 1990.
- 2.3. The applicant has submitted existing and proposed floor plans and elevations in support of the application.

3. Relevant planning history

3.1. At the application site

- 2005/2100/P - The replacement of the existing rear dormer window with double doors to enable access onto the flat roof for its use as a terrace. – Granted 21/07/2005

- PW9802067 - Replacement French doors in rear elevation of flat 5. As shown on Drawing Number 2081/01. – Granted 06/03/1998
- G7/11/26/1104 - Conversion of the second and third floors of No. 19 Belsize Park, Hampstead, into two self-contained flats – Granted 02/06/1958
- G7/11/26/109968 - the execution of alterations to form a new single-room flat at 19, Belsize Park, Hampstead – Granted 24/08/1937

3.2. Neighbouring sites

18D Belsize Park

2011/5181/P - Change of use of second/third floor level maisonette to two self-contained flats (1 x 3-bed and 1 x 1-bed) and installation of two dormer windows on side roofslope (Class C3) – Granted 03/01/2012

21 Belsize Park

2021/5882/P - Change of use and conversion of existing hotel (C1) and associated basement flat (C3) to single family 6-bedroom dwellinghouse (C3) – Granted subject to a Section 106 Legal Agreement 15/09/2022

17 Belsize Park

2003/0106/P -

The retention of a change of use from one self-contained studio and four non self-contained flats to a single-family dwelling house – Granted 24/11/2003

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 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 2 units to 1 unit 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. Policy H1 of the London Borough of Camden Local Plan 2017 seeks to maximise the housing supply. Policy H3 resists the loss of residential floor space and the net loss of two or more homes (from individual or cumulative proposals).
- 4.4. The proposal would not result in any loss of residential floor space but only the loss of a single unit. There has been no other net loss of residential units in the application 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 housing targets. The combined unit would remain in residential use.

4.5. There would be no alterations to the external appearance of the building. The de-conversion of the units from two to one would have no material impact of neighbouring amenity, environment or infrastructure.

4.6. Therefore, the proposal is not considered to fall within the meaning of "development" requiring planning permission of Section 55(2)(f) as defined in the Town and Country Planning Act 1990.

5. Conclusion

5.1. The proposal under 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 (Proposed).