

LDC (Existing) Report	10/12/2024	
Officer	Application Number	
John Nicholls	2024/4461/P	
Application Address	Recommendation	
21 Arkwright Road London NW3 6AA	Grant Lawful Development Certificate	
1st Signature	2nd Signature (if refusal)	
Proposal		
Amalgamation of the existing two self-contained flats into one single dwellinghouse (Class C3).		

Site Description

The site is located on the southern side of Arkwright Road close to its junction with Frogнал. The building is within the Redington Frogнал Conservation Area, to which it makes a positive contribution.

The host property has been converted back into a single-family dwelling from two self-contained flats.

Relevant Planning History

2009/3732/P - Change of use of a self-contained flat on the ground floor and a self-contained maisonette on the first and second floors into single maisonette (1 x 4-bedroom) and retention of existing maisonette (1 x 2-bedroom) at basement and lower basement level (Class C3). **Granted 13/10/2009**

2021/3123/P - To front, new brick pier and timber gates, enlarged bin and cycle store, new canopy to basement flat entrance; to rear, erection of single storey rear extension at basement level within rear lighthwell, replacement of window with door at lower ground level, new Juliet balcony at ground level, rear boundary wall raised; new window to side elevation at first floor level, all to existing two flats. **Granted 23/05/2022**

2022/3946/P - Details of front zinc canopy at basement level, and full details of hard and soft landscaping and means of enclosure of all un-built, open areas as required by conditions 4 and 5 of planning permission 2021/3123/P dated 23/05/2022 for To front, new brick pier and timber gates, enlarged bin and cycle store, new canopy to basement flat entrance; to rear, erection of single storey rear extension at basement level within rear lighthwell, replacement of window with door at lower ground level, new Juliet balcony at ground level, rear boundary wall raised; new window to side elevation at first floor level, all to existing two flats. **Granted 27/09/2024**

Assessment

1.0 Proposal

1.1 A Certificate of Lawfulness is sought for the existing amalgamation of two flats into one single residential unit, resulting in a net loss of one residential unit from the building.

1.2 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.

1.3 The applicants have confirmed that the works took place in May 2024 and have provided some before and after photos to show that these works have been undertaken to remove the partition at the top of the internal ground to basement access staircase.

2.0 Assessment

2.1 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 dwellinghouse 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 was to merge two residential units in the building. This would mean a change from two units to one unit in this property, resulting in a net loss of one unit.

2.2 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).

2.3 Camden Local Plan policy H1 seeks to maximise housing supply, but policy H3 resists the loss of residential floorspace, and specifically resisting the net loss of two or more homes (from individual or cumulative proposals).

2.4 There would be no loss of residential floorspace, and only the loss of a single unit in this case. There has been no other net loss of residential unit numbers in the building in the last 15 years (since 2009/3732/P). The proposal would be reverting the building back to its as built state as a single dwelling. 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.

2.5 No material alteration to the external appearance of the building is proposed. The de-intensification of the units from two to one would have no material impact of neighbour amenity, environment, or infrastructure.

2.6 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.

2.7 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 be a material change of use and therefore would not constitute development.

3.0 Recommendation

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

3.2 Grant Certificate of Existing Lawful Development.