

Camden London Borough Planning,
5 Pancras Sq,
N1C 4AG,
London

Dear Sir / Madam:

**RE: CHANGE OF USE OF SMALL HMO (C4) TO SINGLE DWELLINGHOUSE (C3) AND
AMALGAMATION WITH 1-BED FLAT AT THIRD FLOOR TO CREATE ONE SINGLE FAMILY
DWELLING**

106 GLOUCESTER AVENUE, NW1 8HX

We wish to submit information to support the permitted development application outlined above. Please find enclosed the following drawings and planning statement to satisfy this application.

DRAWINGS & DOCUMENTATION

291-EX-010 SITE LOCATION PLAN
291-EX-PD EXISTING DRAWINGS
291-10-PD PROPOSED DRAWINGS
THIS PLANNING STATEMENT
HISTORIC DRAWINGS OF 106 GLOUCESTER AVE

RELEVANT PLANNING HISTORY

106 Gloucester Avenue is in Primrose Hill Conservation Area and is identified as making a positive contribution to the area.

106 Gloucester Avenue was originally a 4-storey (inc. basement) single family dwelling. At some point before 1991, the property was converted to a one bed flat at basement level and a small HMO with 6 'bed sitting rooms' at ground, first and second floor.

In 1991, an application ([9100891](#)) was approved for a mansard roof extension with a 1-bedroom flat proposed on the new third floor. The proposed plans have been attached for reference.

Since then, the layout of the property has undergone some minor amendments but the overall subdivision of one 1-bed flat at basement, one small HMO at ground, first and second floor, and one 2-bed flat at third floor.

In 2011, an application ([2011/6189/P](#)) was approved for replacement of some windows at the property. The application description referred to the property being an existing HMO (Sui Generis), however, this is not the case. As the HMO contains only 6 bedsits, it is classed as a small HMO with a use class (C4).

PROPOSAL

We are proposing the change of use of the existing small HMO (C4) at ground, first and second floor to a single family dwelling (C3) and amalgamation with the existing 1-bed flat at third floor to create one single family dwelling.

It is understood that both the change of use from the small HMO to a single family dwelling and the amalgamation of the two single family dwellings into one is allowed via permitted development and therefore an application for a Proposed Certificate of Lawful Development has been submitted.

PLANNING POLICY

In accordance with Policy H3 paragraph 3.75 of the Camden Local Plan 2017, *net loss of one home is acceptable when two dwellings are being combined into a single dwelling. Within a block of flats or apartments, such a change may not constitute development*' and would therefore not require planning permission under section 55 of the Town & Country Planning Act 1990.

This is in accordance with the reasons outlined in the delegated reports and decision notices of similar applications which reference *the determination of appeal case reference: APP/X5210/X/17/3172201 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.*

Examples of applications where an amalgamation of two dwellings to one has been approved via PD can be found below;

[**2024/3482/P**](#) Flats 3 and 7, South Hill Mansions 68-70 South Hill Park London NW3 2SL

[**2024/1625/P**](#) 28 Dartmouth Park Road London NW5 1SX

[**2024/2855/P**](#) Fitzroy Lodge Flat 1-2 The Grove London N6 6LH

[**2024/1824/P**](#) Flats 8-9 1a St John's Wood Park London NW8 6QS

[**2023/4971/P**](#) 45 Elsworthy Road London NW3 3BS

[**2023/0899/P**](#) 142 Fellows Road London Camden NW3 3JH

Policy H3 paragraph 3.79 of the Camden Local Plan 2017 states that *'for the purposes of Policy H3 the council will treat small houses in multiple occupation (Use Class C4) in the same way as self-contained homes (Use Class C3), and will resist the loss of two or more small houses in multiple occupation. This reflects the freedom provided in legislation for changes between these uses without a planning application.'*

It is therefore understood that *net loss of one small HMO is acceptable when it is being combined with another dwelling into a single dwelling*, would not constitute development' and would therefore not require planning permission under section 55 of the Town & Country Planning Act 1990.

Further, under Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the following change of use is permitted:

Development consisting of a change of use of a building—

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

Examples of applications where a change of use of a small HMO to a single family dwelling has been approved via PD can be found below;

[2018/0695/P](#) **90 Leverton Street London NW5 2NY**

[2017/1706/P](#) **Flat 2nd Floor & Flat 3rd Floor 34 Gloucester Crescent London NW1 7DL**

[2013/2910/P](#) **67 Goldhurst Terrace London NW6 3HB**

[2011/5693/P](#) **54 LISBURNE ROAD LONDON NW3 2NR**

[2011/0463/P](#) **Upper Flat 128 Goldhurst Terrace London NW6 3HR**

[2010/5604/P](#) **10 Solent Road London NW6 1TU**

Further, examples of applications where a change of use of a small HMO to a single family dwelling and amalgamation with another single family dwelling has been approved can be found below;

[2013/2910/P](#) **67 Goldhurst Terrace London NW6 3HB** - *Change of use from five bedroom HMO (house in multiple occupation) (Class C4) on part ground and whole of first floor, a self contained flat at ground floor (Class C3) and a self contained flat at second floor (Class C3) to 3 x residential flats (Class C3).*

The application here showed the existing flat at third floor was only accessible via the existing HMO, similar to 106 Gloucester Avenue. The council deemed it acceptable that the third floor flat HMO and basement flat could be reconfigured to create 3 new single family dwellings.

[2022/2074/P](#) **20 Howitt Road London NW3 4LL** - *Change of use from a HMO (C4 use) and 2 bed flat to a single family dwelling, the erection of a bike store and waste store area in the front garden and associated landscaping.*

This was a full planning application and not a permitted development application but it is understood that this is due to the proposed bin and bike store and not the proposed amalgamation. Paragraph 2.4 of the delegated report stated that 'given the existing HMO (Class C4) could be converted to a single flat (Class C3), under permitted development, and the proposals would result in the loss of only residential unit, the proposals are therefore considered to accord with policies H3 and H10 and would not materially impact the Borough's housing stock nor impact the ability of the Council to meet its increased housing targets.

Yours faithfully,

HANNAH GREEN

FOR AND ON BEHALF OF Mutiny Architecture Ltd.