

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2024/5575/P
<b>Officer</b>		<b>Expiry date</b>	
Tony Young		06/02/2025	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
1 Branch Hill London NW3 7LT			
<b>Conservation Area</b>		<b>Article 4 Direction</b>	
Hampstead		Basements / Heritage & conservation	
<b>Proposal</b>			
Amalgamation of lower ground floor flat (no. 1A) and an upper maisonette into a single self-contained dwelling unit (Class C3).			
<b>Recommendation:</b>		<b>Issue Certificate</b>	
<b>1.0 Introduction</b>			
1.1 The application comprises a 3-storey (with basement) terrace building located on the north-east side of Branch Hill.			
1.2 The building is not listed and is situated within the Hampstead Conservation and Neighbourhood Areas.			
1.3 The application seeks confirmation that a proposed internal amalgamation of a lower ground floor flat (no. 1A) and an upper maisonette comprising the upper floors at the property into a single self-contained dwelling 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 <u>drawings/information</u> in support of the proposal:			
<ul style="list-style-type: none"> <li>• <u>Site location plan</u> - 291-Ex-010 rev 01 - identifying the application site in red.</li> <li>• <u>Floor plans (existing and proposed)</u> - 291-EX-PD rev 00, 291-10-PD rev 00.</li> <li>• <u>Planning, Design and Access Statement</u> - from Mutiny Architecture Ltd. received 14/11/2024.</li> </ul>			
<b>3.0 Relevant history</b>			
3.1 The following <u>planning history</u> is relevant to the application:			
<ul style="list-style-type: none"> <li>• <b>2024/5026/P</b> - External refurbishment including the replacement of all single glazed white timber frame windows with double glazed white timber frame windows with matching fenestration like for like, installation of cast iron railings on front wall and cast iron window guardings on ground floor windows and installation of natural stone steps and rendered walls in the front patio area. <u>Planning permission granted 24/12/2024</u></li> <li>• <b>9201165</b> - The retention of a 3.25m wide dormer on the rear roof slope of the existing dwellinghouse. <u>Planning permission refused 01/04/1993</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 *'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'* 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 *'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'*. 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, which includes Local Plan Policy H3 (Protecting existing homes), and all relevant guidance seek to protect existing housing by resisting development that would involve the net loss of two or more homes (from either individual or cumulative proposals) other than in exceptional circumstances.
- 4.4 In this particular case, it is firstly noted that the proposal would only involve the loss of one residential unit. Secondly, given that Council policies and guidance resist the incremental loss of homes through subsequent applications to combine further homes within the same building or site, it is also noted that there is no record of any relevant previous amalgamations of any kind involving a loss of residential dwelling units at the property. Finally, it is recognised that the application site would remain wholly in residential use following the conversion of the two residential flats in question into one single unit.
- 4.5 As such, the proposal would not materially impact the Borough's housing stock or have a significant planning consequence, nor would it adversely impact the ability of the Council to meet its housing targets.
- 4.6 Additionally, the proposal would be in accordance with Policy HC1 (Housing mix) of the Hampstead Neighbourhood Area Plan which seeks to minimise dwelling loss during conversions given that the proposal would only involve the loss of one residential unit at the property.
- 4.7 Therefore, the proposed internal works to install a new staircase to connect the lower ground floor to the upper floors is not considered to result in a material change of use. No material alteration to the external appearance of the building is proposed. Consequently, 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.
- 4.8 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.
- 4.9 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