

LDC (Proposed) Report		Application number	2025/0675/P
Officer		Expiry date	
Lauren Ford		16/04/2025	
Application Address		Authorised Officer Signature	
38-40 Windmill Street London W1T 2BE			
Conservation Area		Article 4	
Charlotte Street		Basements Land Use	
Proposal			
Certificate of lawfulness (proposed) for conversion of two flats into one residential unit.			
Recommendation:		Grant Lawful Development Certificate	
1. Site description			
1.1 The application site accommodates a six-storey building (plus basement level) located on the northern side of Windmill Street. The property is located within the Charlotte Street Conservation Area, and the host building is not described as either a positive or negative contributor.			
1.2 This application relates to the fourth and fifth floors of the building only which currently accommodate 2x separate residential units (one on each floor)			
2. Proposal			
2.1 A Certificate of Lawfulness (Proposed) is sought for the conversion of two flats into one residential unit across fourth and fifth levels of the building. The proposal would result in the 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 in support of the application.			
3. Relevant planning history			
3.1 2010/5167/P - <i>Change of use of third floor offices (class B1a) and vacant first and second floors (Class B8) to create 6x two-bedroom flats (class C3), including rear extensions at first, second, third and fourth floors and associated external alterations. Granted Subject to a Section 106 Legal Agreement 05/05/2011.</i>			

3.2 **2016/0397/P** - *Change of use of third floor offices (class B1a) and vacant first and second floors (Class B8) to create 3x three bedroom flats.* **Granted** Subject to a Section 106 Legal Agreement 22/06/2017.

3.3 **2023/4907/P** - *Siting of a caravan for use, incidental to the lawful residential use of the land, at the fourth floor.* **Granted** 12/01/2024.

3.4 **2024/0862/P** - *Siting of a shipping container, for use incidental to the lawful residential use of the land, at the fourth-floor level.* **Refused** 3/05/2024.

3.5 **2024/3476/P** - *Siting of a shipping container, for use incidental to the lawful residential use of the land, at the fourth-floor level.* **Refused**, 22/10/2024.

3.6 **2024/3551/P** - *Siting of a caravan, as shown in the accompanying plans, for use incidental to the lawful residential use of the land, at the fourth floor.* **Refused**, 22/10/2024.

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 across fourth and fifth floors of the building, 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 floorspace, only the loss of a single residential 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 proposal would also have no material impact on 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).