

Our Ref: 24456/KM  
Your Ref: PP-13833258  
Email: kmatthews@firstplan.co.uk

Broadwall House 020 3096 7000  
21 Broadwall info@firstplan.co.uk  
London SE1 9PL firstplan.co.uk

11 March 2025

Planning Department  
LB of Camden Council  
5 Pancras Square  
London  
N1C 4AG

Dear Sir/Madam,

## **12 SOUTH VILLAS, NW1 – APPLICATION FOR CERTIFICATE OF PROPOSED LAWFUL USE FOR THE AMALGAMATION OF TWO RESIDENTIAL UNITS**

We have been instructed by our client, Marlene Rolfe, to submit the enclosed certificate of lawfulness application for the amalgamation of two existing units at 12 South Villas. This application has been submitted via the Planning Portal under reference PP-13833258.

The following details are submitted in support of this application:

- Completed Planning Applications Forms;
- Cover Letter prepared by Firstplan (this document);
- Completed CIL form 1;
- Statutory declaration from Marlene Rolfe;
- Plans:
  - Site location plan ref: 2501\_EX\_001
  - Lower ground floor plan as existing ref: 2501\_EX\_100
  - Ground floor plan as existing ref: 2501\_EX\_110
  - First floor plan as existing ref: 2501\_EX\_120
  - Second floor plan as existing ref: 2501\_EX\_130
  - Loft floor plan as existing ref: 2501\_EX\_140
  - Lower ground floor plan as existing ref: 2501\_PA\_100
  - Ground floor plan as existing ref: 2501\_PA\_110
  - First floor plan as existing ref: 2501\_PA\_120
  - Second floor plan as existing ref: 2501\_PA\_130
  - Loft floor plan as existing ref: 2501\_PA\_140

### **Site and Surrounding Area**

The application property is a five-storey terrace located on the south east side of South Villas. The property is split into two. The first flat comprises lower ground floor, ground and first, and the second flat comprises second and third floors.

There is one staircase within the property and therefore to create security the first floor has a lockable door on the landing (as do the lower floors at ground floor level and the top floor flat at second floor level). Whilst the first floor is can be physically separated from the ground and lower ground; the three floors have been used as one property for over thirty years. The use of the property is detailed in the statutory declaration from Marlene Rolfe.

The two properties pay Council tax as follows:

<a href="#">MAIS LGND GND &amp; 1ST FLRS 12, SOUTH VILLAS, LONDON, NW1 9BS</a>	G	<a href="#">Camden</a>
<a href="#">MAIS 2ND &amp; 3RD FLRS 12, SOUTH VILLAS, LONDON, NW1 9BS</a>	E	<a href="#">Camden</a>

Property information for  
**MAIS LGND GND & 1ST FLRS 12, SOUTH VILLAS, LONDON, NW1 9BS**

<b>Local Authority</b>	<a href="#">Camden</a>
<b>Local authority reference number</b>	5126467
<b>Council Tax band</b>	G
<b>Improvement indicator</b>	No
<b>With effect from</b>	1 April 1993
<b>Mixed-use property</b>	No
<b>Court code</b>	None

Property information for  
**MAIS 2ND & 3RD FLRS 12, SOUTH VILLAS, LONDON, NW1 9BS**

<b>Local Authority</b>	<a href="#">Camden</a>
<b>Local authority reference number</b>	5126468
<b>Council Tax band</b>	E
<b>Improvement indicator</b>	No
<b>With effect from</b>	1 April 1993
<b>Mixed-use property</b>	No
<b>Court code</b>	None

## Planning History

### The Site

Planning permission was granted in 1982 for the change of use to three self-contained dwelling units including works of conversion and the enlargement of the existing front and rear dormers (ref: 33982). Whilst the layout of this consent is similar to the current layout, the property was never used as three flats. It was only used as two flats as one family occupied the lower ground, ground and first floors for over thirty years. This is detailed in the submitted statutory declaration.

Subsequent applications have related to tree works.

### Surrounding Area

Table 1 below includes relevant applications for proposed certificates of lawfulness recently granted in the Borough for the change of use from two residential units into one.

Address	Reference	Description	Decision & Date
1 Branch Hill London NW3 7LT	2024/5575/P	Amalgamation of lower ground floor flat (no. 1A) and an upper maisonette into a single self-contained dwelling unit (Class C3).	Granted March 2025.
Flats 3 and 4, 38 Fitzjohn's Avenue London NW3 5NB	2024/5047/P	Amalgamation of 2 x residential units at 1st and 2nd floor levels (Flats 3 and 4 respectively ) into a single self-contained dwelling unit (Class C3).	Granted December 2024

Flats 3 and 7, South Hill Mansions 68-70 South Hill Park London NW3 2SL	2024/3482/P	Amalgamation of 2 x residential units at 1st floor level (Flats 3 and 7) into a single self-contained unit (Class C3).	Granted August 2024
28 Dartmouth Park Road London NW5 1SX	2024/1625/P	Amalgamation of maisonette and garden flat into single dwelling unit.	Granted September 2024
Fitzroy Lodge Flat 1-2 The Grove London N6 6LH	2024/2855/P	Amalgamation of two flat units into one residential dwelling	Granted August 2024
64 Sarre Road London Camden NW2 3SL	2024/1412/P	Amalgamation of two flat units into one residential dwelling	Granted July 2024

Relevant to these cases is 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 constitute a material change of use and therefore would not constitute development.

### Application Proposals

Internal alterations shall be made to facilitate the amalgamation of the two residential units including the removal of the internal lockable doors from the property. The lower ground floor will become a play room and study, whilst the upper floors will comprise six bedrooms. There are no external alterations proposed.

The proposal will not result in the loss of residential floor space, simply proposing the amalgamation of two residential units into one.

### Assessment of Lawfulness

Section 55(1) of the Act defines development as:

***“The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”***

Section 55(2) of the Act states:

***“The following operations or uses of land shall not be taken for the purposes of the Act to involve development of the land:***

- a) the carry out for the maintenance, improvement or other alteration of any building works which-***
  - i) affect only the interior of the building, or***
  - ii) do not materially affect the appearance of the building.”***

***Section 55(3) of the Act states, for the avoidance of doubt:***

***“(a)the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;”***

But the Act does not state that the amalgamation of two separate dwellings to form a single dwelling is development.

If one then turns to Article 3(1) of the Use Classes Order 1987 (as Amended) it states:

***“Where a building or other land is used for purpose of any class in the same Schedule, the use of that building or that other land for any purpose of the same class shall not be taken to involve development of the land.”***

Policy H3 of the Camden Local Plan seeks to protect existing homes throughout the Borough. It states that the Council will aim to ensure that existing housing continues to meet the needs of existing and future households by:

***“a. Resisting development that would not involve a net loss of residential floorspace.***

***b. Protecting housing from permanent conversion to short-stay accommodation***

***c. Resisting development that would involve the net loss of two or more homes (from individual or cumulative proposals)”***

The supporting text to Policy H3 states that the loss of one home is acceptable when two dwellings are combined into a single dwelling.

The proposals would be on the basis that the proposal would not materially impact the Borough’s housing stock, nor the ability of the Council to meet its housing targets. The building will remain in residential use. There is no material alterations proposed to the external appearance of the building. The de-intensification of two existing units to one would have no material impact on neighbouring amenity or surrounding character.

Therefore, the proposed amalgamation of the two houses is not considered to be a material change which requires planning permission.

## **Conclusions**

This letter sets out the grounds to confirm through a Certificate of Lawfulness for a proposed use that the amalgamation of two residential units is lawful at 12 South Villas. In this case the change is internal and not considered to be a material change. No changes are proposed externally.

It is therefore considered that the Certificate should be granted for the proposal.

I trust that you have sufficient information to enable a positive determination of the application, and we look forward to receiving confirmation that the application has been validated. In the meantime, should you require any further information, please do not hesitate to contact me.

Yours sincerely,



KATE MATTHEWS

Director