

LDC (Proposed) Report		Application number	2025/0986/P
Officer		Expiry date	
Blythe Smith		01/05/2025	
Application Address		Authorised Officer Signature	
Flat Top Front & Top Rear 93 Regent's Park Road London NW1 8UR			
Conservation Area		Article 4 Direction	
Primrose Hill		Basements Heritage and Conservation	
Proposal			
Amalgamation of 2 x residential units at 3rd and 4th floor levels (Flats 2 nd floor front and 2 nd floor rear) into a single self-contained duplex unit (Class C3).			
Recommendation:		Issue Certificate	
<p>1.0 Introduction</p> <p>1.1 The application comprises a 4-storey (plus converted loft) terraced property on the western side of Regent's Park Road, this compromise of a retail premises on ground floor and the upper floors divided into 6 separate residential units. The property is not listed and located within the Primrose Hill Conservation Area.</p> <p>1.2 The application seeks confirmation that a proposed internal amalgamation of Flats 5 and 6 which are located on the third floor and loft space into a single self-contained 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</p> <p>2.0 Applicants Evidence</p> <p>2.1 The applicant has provided the following documents/drawings in support of the proposal:</p> <ul style="list-style-type: none"> • <u>Site location plan</u> (unnumbered) identifying the application site in red. • <u>Existing floor plans, elevations, sections and visualisations</u> (ref. HD1551/1000; 1551/1001; 1551/1002; 1551/1003; 1551/1004; 1551/1005) • <u>Proposed floor plans, elevations, sections and visualisations</u> (ref. HD1551/3000; HD1551/3001; HD1551/3002; HD1551/3003; HD1551/3004). <p>3.0 Relevant history</p> <ul style="list-style-type: none"> • 1778 - Addition at rear between first and second floors at 93, Regents Park Road, Camden, N.W. 1. to form new bathroom and W.C. – Grant – 26/04/1966 <p>4.0 Assessment</p> <p>4.1 Section 55(2)(f) of the 1990 Town and Country Planning Act (hereafter referred to as 'the Act') states that '<i>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</i>' is not to be taken for the purposes of the Act to involve development of the land.</p>			

- 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 seek to protect existing housing by resisting development that would involve the net loss of two or more homes. As the proposal would only involve the loss of one residential unit, it is not considered to materially impact the Borough's housing stock, nor to impact the ability of the Council to meet its increased housing targets. It is noted also that the site would remain wholly in residential use following the conversion of the two residential flats in question into one single unit.
- 4.4** As such, the proposed internal works, including a new entrance door at third floor level is not considered to result in a material change of use. No material alteration to the external appearance of the building is proposed. Therefore, 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.
- 4.5** 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.
- 4.6** The current proposal would not, therefore, 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