

LDC (Proposed) Report		Application number	2025/1075/P
Officer		Expiry date	
Tony Young		06/05/2025	
Application Address		Authorised Officer Signature	
12 South Villas London NW1 9BS			
Conservation Area		Article 4 Direction	
Camden Square		Basements	
Proposal			
Amalgamation of 2 x separate residential units into a single dwelling house (Class C3).			
Recommendation:	Issue Certificate		
<p>1.0 Introduction</p> <p>1.1 The application comprises a 4-storey building (with roof dormers) located on the south-east side of South Villas.</p> <p>1.2 The building is not listed and situated within the Camden Square Conservation Area.</p> <p>1.3 The property is split into two residential units, comprising a maisonette over lower ground floor, ground and 1st floors, and another maisonette over 2nd and 3rd floors.</p> <p>1.4 The application seeks confirmation that a proposed internal amalgamation of the two existing maisonettes 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.</p> <p>2.0 Applicants Evidence</p> <p>2.1 The applicant has provided the following <u>drawings/information</u> in support of the proposal:</p> <ul style="list-style-type: none"> • <u>Site location and block plans</u> (ref. (2501_)EX_001 and PA_002 respectively) - identifying the application site in red. • <u>Existing drawings</u> (refs. (2501_EX_)100 rev A, 110 rev A, 120 rev A, 130 rev A, 140 rev A, 150 rev A) – showing floor and roof plans. • <u>Proposed drawings</u> (refs. (2501_PR_)100, 110, 120, 130, 140, 150) - showing floor and roof plans. • <u>Cover letter from Firstplan (agent)</u> dated 11/03/2025 (ref. 24456/KM), setting out a commentary in support of the application assertion that the amalgamation of the two existing dwelling units is not development and would be lawful. • <u>Statutory Declaration from Marlene Rolfe (applicant and freeholder)</u> dated 05/03/2025, providing chronological evidence in regard to the use and occupation of the property since 1982. <p>3.0 Relevant history</p> <p>3.1 The following <u>planning history</u> is relevant to the application:</p> <ul style="list-style-type: none"> • 33982 - The change of use to three self-contained dwelling units including works of conversion and the enlargement of the existing front and rear dormers. <u>Planning</u> 			

4.0 Assessment

- 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 seeks 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.
- 4.5 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.
- 4.6 While planning permission was granted in 1982 for the change of use to provide 3 x self-contained dwelling units (ref: 33982) and the layout of this approval is similar to the current layout, the evidence provided confirms that the property has never been used in this way, but rather, has only been used as 2 x maisonettes. The leasehold for the upper maisonette (2nd and 3rd floors) was sold in 1982 and the leaseholder has occupied this part of the property continuously since that time (with the lower ground floor, ground and 1st floors also in use as a maisonette).
- 4.7 Indeed, it is noted that Council Tax records effective since 01/04/1993 for both maisonettes (refs. 5216467 and 5216468 respectively) indicate the occupation of the property as 2 x separate residential units. There is no record of any alteration in this position since that time involving any amalgamation or a loss of residential dwelling units at the property.
- 4.8 Finally, it is recognised that the application site would remain wholly in residential use following the conversion of the two residential units in question into one single unit.
- 4.9 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.
- 4.10 Therefore, the proposed internal works involving the removal of internal lockable doors 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.
- 4.11 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.

4.12 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