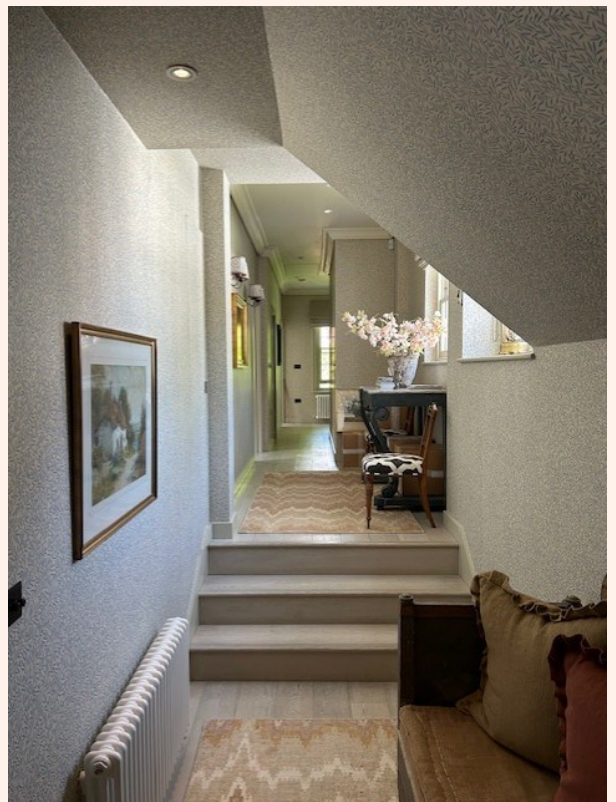


PENELOPE LENT

**HOGARTH HOUSE, 6 NORTH END AND
6A NORTH END, LONDON NW3 7HL**

**APPLICATION FOR A CERTIFICATE OF EXISTING LAWFUL DEVELOPMENT
FOLLOWING AN AMALGAMATION OF TWO DWELLINGS INTO ONE DWELLING**

PLANNING STATEMENT



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7 May 2025

Hogarth House, 6 North End and 6A North End, London NW3 7HL

Application for a Certificate of Lawful Existing Development following an
Amalgamation of Two Dwellings into One Dwelling

Planning Statement, 7 May 2025

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PLANNING STATEMENT



1. Introduction

Purpose of Statement

- 1.1 This Statement is in support of an application for a Certificate of Lawful Existing Development related to the amalgamation of two dwellings into one dwelling: firstly, Hogarth House, 6 North End and secondly, 6A North End, London NW3 7HL – the “Property.”

The Application Site

- 1.2 The Property is located on the south side of North End, between North End Way (to the west) and North End Avenue (to the east).
- 1.3 It is part of a post World War II redevelopment comprising three connected, component parts which replaced the original large single residential dwelling, Pitt House, on the site. The Property is unlisted and lies within the Hampstead Conservation Area.
- 1.4 The built development is essentially horseshoe shaped (speculatively perhaps, with an eye to possibly previous stables on the site), which from the archive maps appears to mimic the footprint of the part of the original Pitt House on this part of the site.
- 1.5 The London County Council Bomb Damage Map (sheet 18 covering Kenwood, Record No 346210, 1945) has been consulted. Although it identifies serious bomb damage to a building on the north side of North End immediately behind the Bull & Bush public house, the current application Property’s site does not appear to have been bomb impacted.
- 1.6 The redevelopment of the Pitt House site therefore appears to have had more to do with being reflective of the post war property boom era.



- 1.7 Indeed, from a review of the archive ordinance survey maps between 1934 and 1996 (attached at Appendix 1), it appears the redevelopment of the Property took place between 1951 and 1958.
- 1.8 The modern redevelopment was numbered as 6, 6A and 8 North End. A central courtyard is part of the Property's demise (originally part of 6A) over which there is a right of access for 8 North End.
- 1.9 The Property has been used as a single residential dwelling since 2015.
- 1.10 The amalgamation did not involve:
- (a) any loss of residential floorspace
 - (b) any material alterations to the building's exterior, such works having been separately approved through the development planning control process (see Section 2), and
 - (c) no impact on residential amenity of either the occupiers of the amalgamated 6 & 6A North End or the occupiers of 8 North End or any other nearby property.



2. Planning History

The Property

- 2.1 The Council's online planning register lists numerous applications for operational development of the Property, all the following of which were approved:

6 North End

- 2.2 9 August 2012 – Conditional Planning Permission for Extension and excavation to provide new basement level, including installation of two front lightwells to dwelling house (Class C3) (2012/0389/P)
- 2.3 30 April 2015 – Planning Permission Granted for Replacement of existing PVC sash windows to timber frames sash windows on ground floor front elevation and first floor East and South elevations. Replacement of painted metal garage door with painted timber and glass double doors (2015/1080/P)
- 2.4 30 April 2015 - Conditional Planning Permission for Replacement of PVC french doors with glazed dark bronze metal frame pivot door with fixed clear glazed panel to the ground floor east elevation (2015/1458/P)
- 2.5 6 May 2016 – Certificate of Lawfulness (Proposed) Granted for Repainting of the front, rear and side elevation walls of the dwellinghouse (C3) (2016/2522/P)
- 2.6 31 March 2016 – Certificate of Lawfulness (Proposed) Granted for Erection of a porch to the front elevation of the dwellinghouse (C3) (2016/1699/P)



6A North End

- 2.7 15 May 2002 - Conditional Planning Permission for Erection of single storey rear extension on raised patio to side of house As shown on drawing no 140.1,2 (PWX0202395)
- 2.8 12 March 2014 - Conditional Planning Permission for Basement extension to existing dwelling including 2x lightwells to rear (2014/0388/P)
- 2.9 25 September 2015 – Planning Permission Granted for Replacement of existing casement windows with traditional painted timber sash windows on the side and rear elevations. Replacement door at first floor level on the west side elevation. Replacement of painted metal garage door with painted timber and glazed double doors and replacement of existing roof dormer on the eastern elevation (2015/4537/P)
- 2.10 5 February 2016 - Conditional Planning Permission for Non Material Amendments for Alteration of design for proposed replacement door on the first floor level west side elevation, granted under reference 2015/4537/P dated 25/09/15 (2016/0635/P)
- 2.11 The register also lists numerous approvals of works to TPO protected trees (1988 to 2019 inclusive).

Planning Appeal – Amalgamation Issue

3 Wildwood Grove, London NW3 7HU

- 2.12 On 15 January 2018, an appeal was allowed and a certificate of lawful use or development granted for the use of 2 and 3 Wildwood Grove as one single dwellinghouse.



2.13 The Inspector's reasons for the decision were:

2.14 "I do not need to rehearse most of the arguments here as the Council accept that in this case there is no policy impediment to the amalgamation" (Para 2)

2.15 "the changes associated with the amalgamation of the two dwellings into one would have to be such that there was a material difference in the way the property was occupied, and given that the nature of the use remains residential, such a change would have to be quite significant." (Para 3)

2.16 "Two one person households in the original two dwellings would be the same as one two person household in the amalgamated dwelling. In any event, I find it highly unlikely that the level of occupation would be so different as to alter the character of occupation to such an extent that it would be reasonable to conclude there had been a material change of use. The Council have not explained what significant changes are likely to be perceptible due to under occupation and there is no evidence such changes have come about. In my view the amalgamation of Nos 2 and 3 Wildwood Grove has not led to a material change of use. As such it is not development." (Para 5)

2.17 "I do not consider the amalgamation of two into one was development in the first place" (Para 6)

Other Recent Lawfulness Decisions with Amalgamation Issue

21 Arkwright Road, London NW3 6AA

2.18 1 November 2024 - Certificate of Lawfulness (Existing) Granted in respect of the Amalgamation of the existing two self-contained flats into one single dwellinghouse (Class C3).



- 2.19 Reason for the Decision: The works are not considered to fall within the "meaning of development" requiring planning permission as defined by the Town and Country Planning Act 1990.

40 & 40a King Henry's Road, London NW3 3RP

- 2.20 16 March 2025 - Certificate of Lawfulness (Existing) Granted in respect of the Amalgamation of 2 x separate residential units into a single dwelling house (Class C3).
- 2.21 Reason for the Decision: The amalgamation of two residential units into one as described in the First Schedule above does not fall within the meaning of "development" requiring planning permission as defined by the Town and Country Planning Act 1990.

12 South Villas, London NW1 9BS

- 2.22 7 April 2025 - Certificate of Lawfulness (Proposed) Granted in respect of the Amalgamation of 2 x separate residential units into a single dwelling house (Class C3).
- 2.23 Reason for the Decision: The amalgamation of two residential units into one as described in the First Schedule above does not fall within the meaning of "development" requiring planning permission as defined by the Town and Country Planning Act 1990.



3. Building Control

- 3.1 In addition to development management (planning control), the applicant's contractors took the development works carried out through the building control process.
- 3.2 The Council's online register of Building Control Applications for the Property are as follows:

6 North End

- 3.3 Internal alterations to a dwelling (Serial No: 15/5/01158)
Validated: 23 March 2015
Commencement: 13 March 2015
Completion: 29 February 2016

6A North End

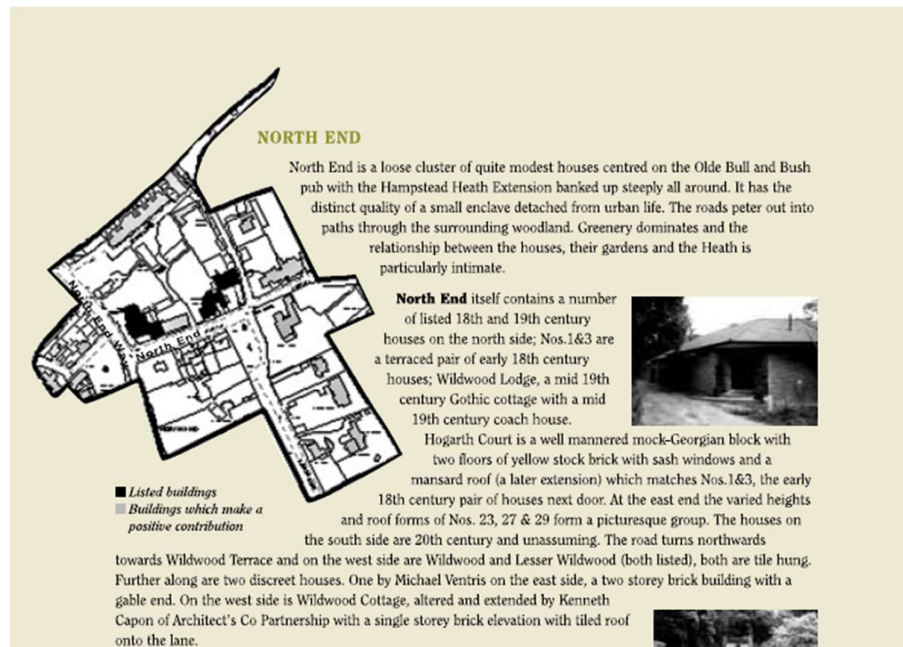
- 3.4 Install a replacement consumer unit Rewire of all circuits (Serial No: 17/CP/03296)
Completion: 30 March 2017
- 3.5 Internal refurbishment of 2 storey house including new fenestration throughout and alterations to dormer window (Serial No: 15/5/04118)
Validated: 4 November 2015
Commencement: 3 November 2015
Completion: 5 April 2017



4. Heritage Context

LB Camden, Hampstead Conservation Area, Area Statement, October 2001

- 4.1 The Property is located within Hampstead Sub Area 8, Outlying Areas (North End, Vale of Health, The Elms).
- 4.2 The analysis of the North End sub area (extract below from Page 46) provides an overall description and assessment of the area and specifically for the road, North End, referring to the Property in general, group terms, stating: *“The houses on the south side are 20th century and unassuming.”*



- 4.3 As the amalgamation purely involved opening up of a section of internal walls on the ground and first floors, and never visible in the public realm, this has never had any effect on the character and appearance of the Hampstead Conservation Area.

5. Planning Policy

Camden Local Plan, Adopted 2017

Policy H3 Protecting Existing Homes

- 5.1 The applicant contends that this application can only be considered on the facts of the works carried out in relation to the amalgamation that were started and completed in August 2015.
- 5.2 These facts are confirmed in the Statutory Declaration of Penelope Lent accompanying this application.
- 5.3 In this case therefore, the planning legal status is as follows:
- (a) the amalgamation of two units is not development and does not require planning permission,

and in addition
 - (b) was lawful by August 2019 on the fourth anniversary of the opening up having been completed and continuous residential occupation of more than four years.
- 5.4 Clearly though, the existing development fully complies with Policy, if hypothetically it was relevant, in that:
- 1. the amalgamation has never resulted in any net loss of residential floorspace, and
 - 2. it only involved the net loss of one home (individually and cumulatively).



- 5.5 This is reinforced by Local Plan policy supporting justification, under the heading ***Net Loss of Two or More Homes*** which confirms at paragraph 3.75, that the:

“Net loss of one home is acceptable when two dwellings are being combined into a single dwelling.”

Camden Planning Guidance – Housing, January 2021

- 5.6 The comments set out above in relation to the Adopted Local Plan equally apply against this Guidance, which confirms:

Loss of a Single Home

The Council does not generally seek to resist schemes combining dwellings where they involve loss of a single home. (paragraph 10.6)

6. Residential Development Works & Use - The Four Year Rule

- 6.1 The Levelling Up and Regeneration Act 2023 (section 115) amended the Town and Country Planning Act 1990 (section 171B) in respect of time limits within which planning enforcement action can be taken against breaches of planning control.
- 6.2 The effect of this was that on 25 April 2024, the four year rule ended and replaced by the 10 year rule.
- 6.3 In accordance with transition arrangements, this provides an additional lawful basis for the amalgamation related to the Property, in that the four year rule still applies because:
- (a) the building works and use as a single dwellinghouse occurred before 24 April 2024; and
 - (b) the amalgamated single dwelling house has been in continuous use for more than 4 years – in this case, almost ten years.



7. Conclusions

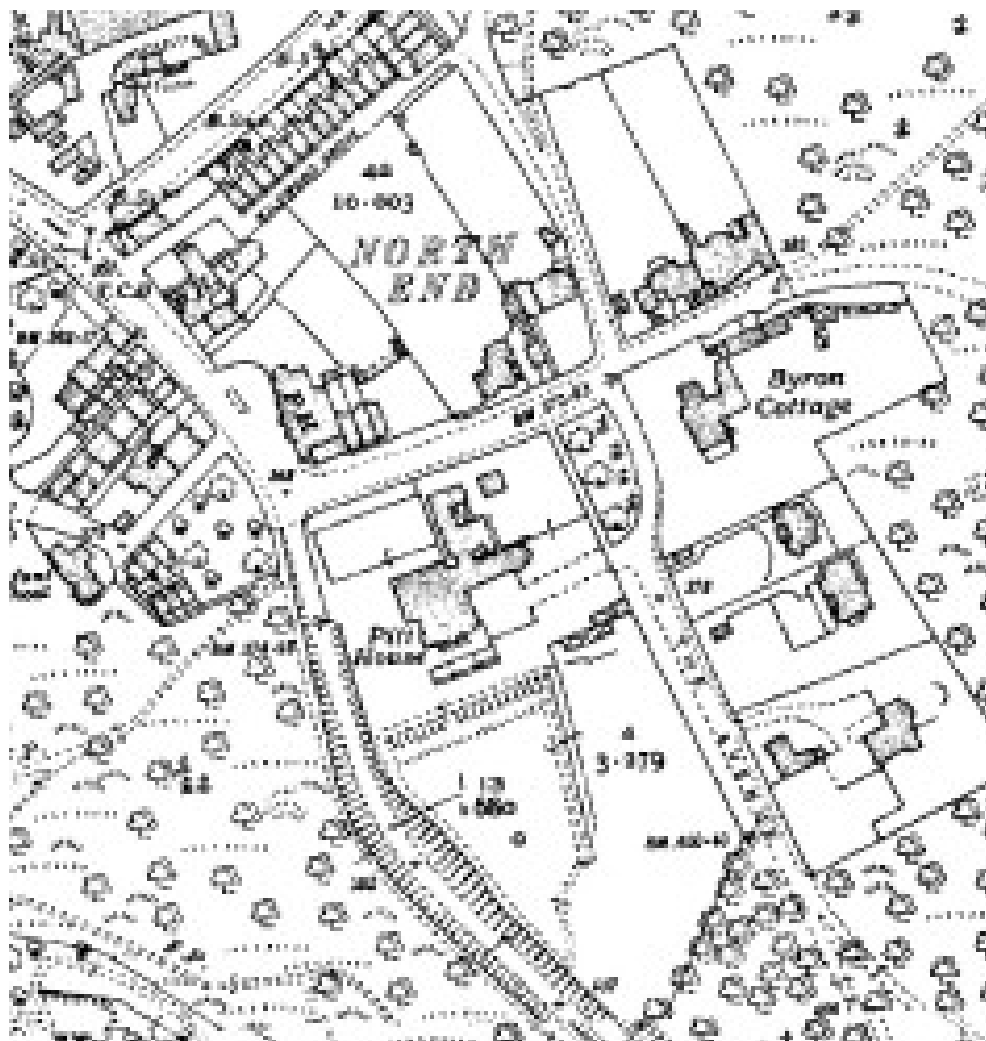
- 7.1 The amalgamation did not involve any loss of residential floorspace, any material alterations to the building's exterior and no impact on residential amenity of either the occupiers of the conjoined 6 & 6A North End or the occupiers of 8 North End or any other nearby property.
- 7.2 As the amalgamation purely involved opening up of a section of internal walls on the ground and first floors, nor was / is this visible in the public realm, this has never had any effect on the character and appearance of the Hampstead Conservation Area. Indeed, the development goes some way to restoring the site's character in that it originally accommodated one dwelling, Pitt House.
- 7.3 Both the Wildwood Grove appeal decision and other recent Camden planning approvals confirm that the amalgamation of two self-contained dwellings into one single dwellinghouse (Class C3), does not fall within the "meaning of development" requiring planning permission.
- 7.4 This equally applies as to the planning legal status of the development subject of this application given it involves the amalgamation of two units which is not development and does not require planning permission.
- 7.5 In addition, by further planning legal principle, the development was lawful by August 2019 on the fourth anniversary of the opening up having been completed.
- 7.6 The existing development fully complies with Policy, if hypothetically it was relevant, in that the amalgamation has never resulted in any net loss of residential floorspace and only involved the net loss of one home (individually and cumulatively).
- 7.7 As such, there are no reasons whatsoever that preclude this application being approved and a Certificate of Existing Lawful Development being granted.



Appendix 1

Archive Ordinance Survey Maps, 1934 to 1996





County: LONDON, Published Date(s): 1934 -1936, Originally plotted at: 1:2,500



County: London, Published Date(s): 1951, Originally plotted at: 1:10,560



County: London, Published Date(s): 1958, Originally plotted at: 1:10,000



County: London, Published Date(s): 1968, Originally plotted at: 1:10,000



County: London, Published Date(s): 1996, Originally plotted at: 1:10,000



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