

PLANNING STATEMENT

This Planning Statement has been prepared in support of the Certificate of Lawfulness application for the conversion of two flats into one at 45 Rosslyn Hill. It should be noted that no external works are being proposed as part of the application.

The application seeks to demonstrate that the proposed works do not constitute development and as such do not fall within the definition of a ‘material change of use’ as defined by the Town and Country Planning Act 1990. Section 55 of the Act states that the sub-division of a single dwelling into two or more dwellings constitutes a ‘material change of use’. It does not, however, define the opposing works, namely the amalgamation of two units or more into one, as a ‘material change of use’.

The planning position on the later works has been clarified by subsequent planning case law. Most notably, the High Court decision relating to Richmond Upon Thames LB vs. SOS and another dated 28/3/00, found that in cases where more than two units were to be amalgamated, it was necessary to consider whether the change would lead to the loss of a particular type of accommodation in the Borough and whether it would have an effect on planning policy. The current planning law position is therefore that an amalgamation can be granted a Certificate of Lawfulness if it would not lead to a cumulative loss of a particular type of unit(s) at the site or within a council borough.

It is therefore incumbent that the proposed conversion at 45 Rosslyn Hill demonstrate that the loss of one of the units would not result in a significant loss of that form of accommodation at the site as this could render the proposed conversation a “material change of use”. In addition, recent decisions from the London Borough of Camden show that the Council will also consider whether there is a change to the character of the area from the proposed change. In most cases a loss of 40% of the number of units appears to be the trigger to refuse.

The property at 45 Rosslyn Hill was originally built as a house and subsequently converted to 5 flats in 1988. As such, the proposed change of use would be in keeping with the character of the original property and the surrounding area. Planning records also show that there have been no other amalgamations to the neighbouring flats since its conversion in 1988. The loss of one unit (20%) would result in the retention of 4 flats in total and would not therefore be “significant” from a planning policy point of view. In light of this, it is not considered that the proposed conversion would result in a “material change” as defined by the above Richmond decision and the development would be in keeping with Section 192. Therefore the proposed works do not constitute “development” under Section 55.