

LDC (Proposed) Report		Application number	2018/1876/P
Officer		Expiry date	
Oluwaseyi Enirayetan		15/06/2018	
Application Address		Authorised Officer Signature	
Flat 4 & 5, 45 Rosslyn Hill London NW3 5UH			
Conservation Area		Article 4	
Fitzjohns Netherhall		N/A	
Proposal			
Amalgamation of 2x flats into a single residential unit.			
Recommendation:		Grant certificate	

1. Site description

1.1 The application site is located on the south side of Rosslyn Hill south of Hampstead underground station. It relates to flats at second and third floor. The site is located in the Fitzjohns Netherhall Conservation are but the building is not listed.

2. Proposal

2.1 A certificate of lawfulness is sought for the proposed change from two flats into one is not material and therefore not development.

3. Assessment & Justification

3.1 The Town & Country Planning Act 1990, Section 55, Part 3A 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 is silent on whether combining two dwellings into one would also constitute development.

3.2 Although not relevant in the determination of this certificate application, Camden'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 impact the ability of the Council to meet its increased housing targets. The use of the site would remain in residential use following the conversion of two residential flats into a single dwelling, and is not considered to be a material change of use. Therefore the works are not considered to fall within the "meaning of development" requiring planning permission of section 55(2)(f) as defined by the Town and Country Planning Act 1990.

3.3 Relevant to this determination is the appeal case reference **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 his assessment, the 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. Conclusion

4.1 It is considered that the works described does not constitute development as defined by Section 55 of the Town & Country Planning Act 1990, and would therefore not require planning consent.