

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2019/1399/P
<b>Officer</b>		<b>Expiry date</b>	
Samir Benmbarek		09/05/2019	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
28 Frognal Lane London NW3 7DT			
<b>Conservation Area</b>		<b>Article 4</b>	
Redington Frognal		Basement	
<b>Proposal</b>			
Amalgamation of two flats (lower ground floor and ground floor) into single dwelling			
<b>Recommendation:</b>		<b>Grant certificate of lawfulness (proposed).</b>	

## 1.0- Site Description

1.1 The application building is a three-storey (and basement) detached building located on the southern side of Frognal Lane. The building is located within the Redington Frognal conservation area. It is not a listed building.

## 2.0- Proposal

2.1 A certificate of lawfulness is sought for the proposed amalgamation of the basement level and ground floor level flat into one dwelling. The applicant seeks to confirm that the change of use would not constitute development and planning permission is not required under section 55 of the Town and Country Planning Act 1990. There would be no external changes as a result of the development.

## 3.0- History

3.1 No relevant planning application history.

## 4.0- Assessment

4.1 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 a single dwelling house involve 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.

4.2 Although not relevant in the determination of this certificate application, 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 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.

4.3 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 the 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.

## **5.0- Conclusion**

5.1 It is considered that the works would not constitute development as defined by section 55 of the Town & Country Planning Act 1990, and therefore would not require planning permission.

5.2 Grant certificate of lawful development (proposed).