

Planning Statement – 69 Patshull Road, London NW5 2LE

It is understood that the property was built as a single dwelling over four storeys in approximately 1860. The property was apparently converted into three dwellings (2x 1 bed, 1x 2 bed) in 1973. The applicant seeks to amalgamate the ground and first floor flats by the insertion internally of a staircase. No external changes are proposed to be made by this application. The application is to amalgamate two of the three dwellings; the third dwelling is unaffected. The proposed change will turn the relevant part of the building from 2x 1 bed to 1x 2 bed. **There would be no change in the character of the use of land.**

The applicant considers that the proposed works do not constitute “development” within the meaning of s.55(1) Town and Country Planning Act 1990 (“TCPA 1990”). A certificate of lawful development (“CLD”) for proposed use is therefore sought, within the meaning of s.192 TCPA 1990. In particular, there is no “material change of use” because:

- (i) the proposed alteration affects only the interior of the building and does not materially affect its external appearance (s.55(2)(a) TCPA 1990);
- (ii) the proposed use of the building is currently, and will remain, within class use C3 (s.55(2)(f) TCPA 1990; art.3, sch.1 Part 3 para.3 Town and Country Planning (Use Classes) Order 1987/764); and
- (iii) the proposed use involves the amalgamation of two units into one, rather than of one unit into two or more (s.55(3)(a) TCPA 1990).

The leading case on whether the amalgamation of units can be classed as “development” is *Richmond upon Thames LBC v Secretary of State for the Environment, Transport and the Regions* [2000] 2 PLR 115, QB. That case concerned the amalgamation of seven units back into a single dwelling house. The decision in the *Richmond* case was recently followed in *R (Kensington & Chelsea RLBC) v Secretary of State for Communities and Local Government* [2016] EWHC 1785 (Admin)). The latter case involved the amalgamation of two units within a larger block.

In accordance with the decisions in those cases, the proposal in this application does not give rise to any planning considerations: changing a property containing 2x 1 bed and 1x 2 bed (total 4 bed) into a property containing 2x 2 bed (total 4 bed) will not have any effect on the residential character of the area, which consists of a mixture of single dwellings and properties containing varying numbers of flats. Indeed, the property itself was previously a single dwelling.

That proposition is supported by the fact that the council’s policy is not, in any event, to oppose the net loss of one dwelling in any particular building (see Policy H3 of the Camden Local Plan). As above, there is no proposal to alter (or remove) the third unit.

It is also supported by the decision of the Planning Inspector in APP/X5210/X/17/3172201 (Re: 2-3 Wildwood Grove, London NW3 7HU) wherein the Inspector was considering the amalgamation of two neighbouring houses. The Inspector decided that there would have to be “quite significant” changes to amount to a “material

change of use” where the issue was the amalgamation of two units (in that case, whole houses) into one. The Inspector then held that it had “not led to a material change of use. As such it is not development.”

It is also the position that the council has consistently confirmed and implemented. In particular, in:

- (i) 2004/2492/P: The applicant sought a CLD for the amalgamation of two units within a building. The council confirmed in its decision letter that this would not constitute “development”, and granted a CLD.
- (ii) 2005/2948/P: The applicant sought a CLD for the amalgamation of two out of five units within a building. The council confirmed in its decision letter that this would not constitute “development”, and granted a CLD.
- (iii) 2015/7259/P: The applicant sought a CLD for the amalgamation of two units in neighbouring properties (each of which contained a total of four flats). The council confirmed in its decision letter that this would not constitute “development”, and granted a CLD.
- (iv) 2018/1876/P: The applicant sought a CLD for the amalgamation of two out of five units within a building. The council confirmed in its decision letter that this would not constitute “development”, and granted a CLD.
- (v) 2019/0002/P: The applicant sought a CLD for the amalgamation of two out of five units within a building. The council confirmed in its decision letter that this would not constitute “development”, and granted a CLD.
- (vi) 2019/1399/P: The applicant sought a CLD for the amalgamation of two out of four units within a building. The council confirmed in its decision letter that this would not constitute “development”, and granted a CLD.

For all these reasons, a CLD should be granted.