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| LDC (Proposed) Report | | Application number | 2020/1441/P |
| Officer | | Expiry date | |
| Josh Lawlor | | 18/05/2020 | |
| Application Address | | Authorised Officer Signature | |
| 13 Steele's Road London NW3 4SE | | | |
| Conservation Area | | Article 4 | |
| N/A | | Basement | |
| Proposal | | | |
| Amalgamation of a 3 bed flat on ground and first floors with a 2 bed flat on second and third floors to form one 5 bedroom self-contained residential flat (Class C3) | | | |
| Recommendation: | | Grant Certificate of Lawfulness | |

1.0 Site Description

1.1. The site is a three storey plus lower ground floor semi-detached building. The building is on the corner of Steele's Road and Eton Villas and is within the Eton Conservation Area.

2.0 Proposal

2.1. A Certificate of Lawfulness is sought for the proposed amalgamation of two flats, one at ground floor and first floor level and the second at second and third 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

2019/5200/P Conversion of 1x 3 bed flat over ground and first floor with 1x 2 bed flat over second and third floor to form 1 x 5 bedroom self-contained residential flat
Granted subject to S106 agreement 22/01/2020

2007/3616/P Erection of single-storey shed with sedum roof in rear garden. Granted 03/10/2007

2005/0370/P Change of use and works of conversion of raised ground and first floor flats into one three-bedroom maisonette and the formation of two new windows in the flank wall. **Granted 13/04/2005**

2004/2492/P Application for Certificate of Lawfulness for a proposed development for conversion of flats 2 & 3 into one dwelling unit. **Granted 21/07/2004**

33650 Change of use and works of conversion to create five self-contained flats including the erection of a single storey rear extension and two dormer windows. **Granted 31/03/1982**

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 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 does not comment on whether combining two dwellings into one would constitute development.

4.2 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. Conclusion

- 5.1. It is considered that the works do 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).