

LDC (Proposed) Report		Application number	2020/0788/P
Officer		Expiry date	
Josh Lawlor		13/04/2020	
Application Address		Authorised Officer Signature	
Upfleet Vale Of Health London NW3 1AN			
Conservation Area		Article 4	
N/A		Basement	
Proposal			
The conversion of 2 bed flat over lower ground and ground floor with 1 bed flat over first floor to create a 3 bed residential unit (Class C3).			
Recommendation:	Grant Certificate of Lawfulness		

## 1. Site Description

- 1.1. The site is a three-storey property with basement and is situated on the eastern side of Hampstead Heath. The site lies within the Hampstead Conservation Area.

## 2. 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. History

**8702782** Erection of a side extension at second floor level incorporating terraces at rear second floor and front roof level **Granted 17/09/1987**

**2008/4236/P** Erection of a single-storey rear extension at lower ground floor level and a rear wooden staircase. **Granted 11/11/2008**

## 4. 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).