

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2020/5030/P
<b>Officer</b>		<b>Expiry date</b>	
Raymond Yeung		25/12/2020	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
7 Well Road London NW3 1LH			
<b>Conservation Area</b>		<b>Article 4</b>	
Hampstead		Basements Heritage and Conservation-External alterations and structures concerning classes A, B, C & F	
<b>Proposal</b>			
Amalgamation of 2no flats and to use as a single residential unit (Use Class C3).			
<b>Recommendation:</b>		Grant certificate	

## **1.0 Site Description**

1.1 The above property is a three-storey house which is located to the south side of Well Road. There are currently two flats within this property. The site is situated within the Hampstead Conservation Area, although the building itself is not statutory or locally listed.

## **2.0 Proposal**

2.1 A Certificate of Lawfulness is sought for the proposed amalgamation of 2 flats into 1, Flat 1 is located on the lower ground and ground level and flat 2 is located on first and second floor level.

2.2 The applicant seeks to confirm that the alterations would not constitute development and planning permission is not required under section 55 of the Town and Country Planning Act 1990.

## **3.0 History**

### **3.1 Related planning history (other sites in Camden)**

**2020/2804/P – 27 Belsize Park** Amalgamation of 2no. flats into a single residential unit at lower ground level (Use class C3). **Certificate of Lawfulness -Granted 25-06-2020**

**2019/3652/P - 17 and 18 Well Road London NW3 1LH** Amalgamation of two properties into a single dwelling. **Certificate of lawfulness- Granted 15-10-2019**

**2019/1399/P 28 Frognal Lane London NW3 7DT** Amalgamation of two flats (lower ground floor and ground floor) into single dwelling **Granted 03-04-2019**

**2019/0002/P 23 Hampstead Hill Gardens London NW3 2PJ** Amalgamation of two flats at basement and ground floor levels. **Certificate of lawfulness- Granted 19-03-2019**

**2019/2064/P 69 Patshull Road London NW5 2LE** Amalgamation of two flats at ground floor and first floor levels. **Granted 05-06-2019**

**2019/4264/P 21 Gascony Avenue London NW6 4NB** Amalgamation of two flats into single dwelling house (Class C3). **Granted 09-09-2019**

**2019/3652/P 7 and 18 Well Road London NW3 1LH** Amalgamation of two properties into a single dwelling. **Granted 15-10-2019**

**2020/3190/P - 38 Crediton Hill London NW6 1HR** Amalgamation from 3 flats to 2 flats and infilling ground floor window opening (Use Class C3). - Certificate of lawfulness - Certificate of lawfulness - **Granted 21-07-2020**

**2020/1441/P 13 Steele's Road London NW3 4SE** 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) **Granted 21-04-2020**

**2020/1755/P Flat 2 and Flat 3 53 Primrose Gardens London NW3 4UL** 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) **Granted 21-04-2020**

**2020/0788/P - Upleet Vale of Health London NW3 1AN** Amalgamation 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). **Granted 17-02-2020**

**2020/4444/P - Chesterfield House - Flat 4 1B King Henry's Road -** Amalgamation of 2no. flats into a single residential unit at first floor level (Use class C3). **Granted 27-10-2020**

**2929/3286/P – 9 Evangelist Road NW3 1UA-** Amalgamation of 2no. flats into a single residential unit at lower ground level (Class C3). **Granted 25-06-2020**

#### **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 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. In this case it is 2 units into 1 in this property.

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. No external changes are proposed to the dwelling, therefore there would not be a material change to the streetscene in any way. The use of the site would remain in residential use following the conversion of two residential flats into a single flat, 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 With regards to judgement of whether the development is material when compared with the development plan under Camden Local Plan policies H1 & H3, the proposal would result in the net loss of no more than one residential unit and would not result in the loss of residential floorspace. The proposed development as presented would therefore comply with policy H3 of the Camden Local Plan." This is confirmed by the supporting text to policy H3 (paragraph 3.75).

4.4 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.

4.5 The infilling of the window opening at the ground floor side elevation with materials to match the existing house is considered to not be material development to require planning permission.

## **5.0- Conclusion**

5.1 It is considered that the works for this application 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).