
SUPPORTING STATEMENT

The Site : Flat 24, 1 Rochester Place, NW1 9DZ
and
Flat 27, 80 St Pancras Way, NW1 9DN

The site is within Camden Courtyards, NW1 London, UK.

Camden Courtyards is a fully residential scheme on a prominent site in Camden Town. with a split of 50% private and 50% affordable. The concept is of a double courtyard scheme with the building in the form of an S shape. The dimensions of the site lent themselves to narrow blocks which allowed for dual-aspect apartments. The site is bounded on two sides by busy roads, so providing an aspect into a calm quiet courtyard ensured better quality outlook for the residential apartments.

The building provides 164 residential units and is seven storeys at its highest. There is a five-storey parapet with one or two storeys set back to the rear, the parapet steps down to four storeys.

Flat 24 is a two-bedroom 4-person private apartment on the top storey (6th) of Bennett House, set back from the main external elevation walls.

Flat 27 is also a two-bedroom 4-person private apartment on the top storey (6th) of Dickens House, set back from the main external elevation walls. The flats are adjacent and a mirror image of each other in layout terms. The combined floor area after the amalgamation will be 165.7 sq.m.

There are 24 flats within Bennett House, 10 x 1 bedroom, 13 x 2 bedroom and 1 x 3 bedroom.

There are 25 flats within Dickens House, 4 x 1 bedroom, 18 x 2 bedroom and 3 x 3 bedroom.

The owner of flat 24, who is an owner occupier for the last 3.5 years, is considering the purchase of flat 27 with the intention to amalgamate the two flats into a larger single residential unit to enable the family to be extended and provide accommodation for elderly parents and in-laws.

Proposed Amalgamation

The proposed amalgamation will combine the two 2-bedroom apartments into a larger 4-bedroom apartment and affected by the formation of a narrow opening in the existing party wall and a minor re-arrangement of what appear to be non-load bearing partitions to form a central corridor within the amalgamated apartment. The location of rooms of different use will remain as existing with a slight reduction in floor area allocated to the central corridor.

Legal principles

Under section 55(1) of the Town and Country Planning Act 1990, planning permission is required for "development", which includes the making of a material change in the use of land. The main issue is whether the amalgamation of two dwellings to create a single property would constitute such a material change in the use of the Property.

It has been established in case law that amalgamation can amount to a material change of use. The extent to which a particular use fulfils a legitimate or recognised planning purpose is relevant in deciding whether a change from that use is a material change of use.

Planning History

No relevant planning application history. No other amalgamation has been carried out in any of the Camden Courtyards six Houses.

Assessment

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.

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 this 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.

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 concluded that the nature of the use remained the same and would have to be significantly different to be considered a change of use.

In the case of this Property,

- there would not appear to be any material change in the character of the use of the land brought about by the amalgamation of the dwellings
- the use of the building for private residential accommodation will not change
- the occupancy of the flats will also remain the same after the amalgamation
- no effect on the residential character of the area is therefore identified
- any change is deemed imperceptible.

The conclusion reached in the decision of the Inspector in the appeal mentioned above (that the amalgamation would not be a material change of use and therefore would not constitute development) is also applicable in this instance and planning permission is not required for the amalgamation.

Similar Amalgamations of two dwellings into one within the Borough of Camden and other boroughs

APPLICATION REF	SITE	DECISION
2019/3652/P	17 & 18 Well Road, London NW3 1LH	Granted 15-10-2019
2019/1399/P	28 Froggnal Lane, London NW3 7DT	Granted 03-04-2019
2019/0002/P	23 Hampstead Hill Gardens London NW3 2PJ	Granted 19-03-2019
2018/1876/P	Flats 4 & 5, 45 Rossllyn Hill Well Road, London NW3 5UH	Granted 19-07-2018
2016/5621/P	2 & 3 Wildwood Grove, London NW3	Allowed on appeal 15-01-2018
APP/K5600/W/15/3028100	Flats 1 & 3, 44 Stanhope Gardens, London SW7 5QY	Allowed on appeal November 2015

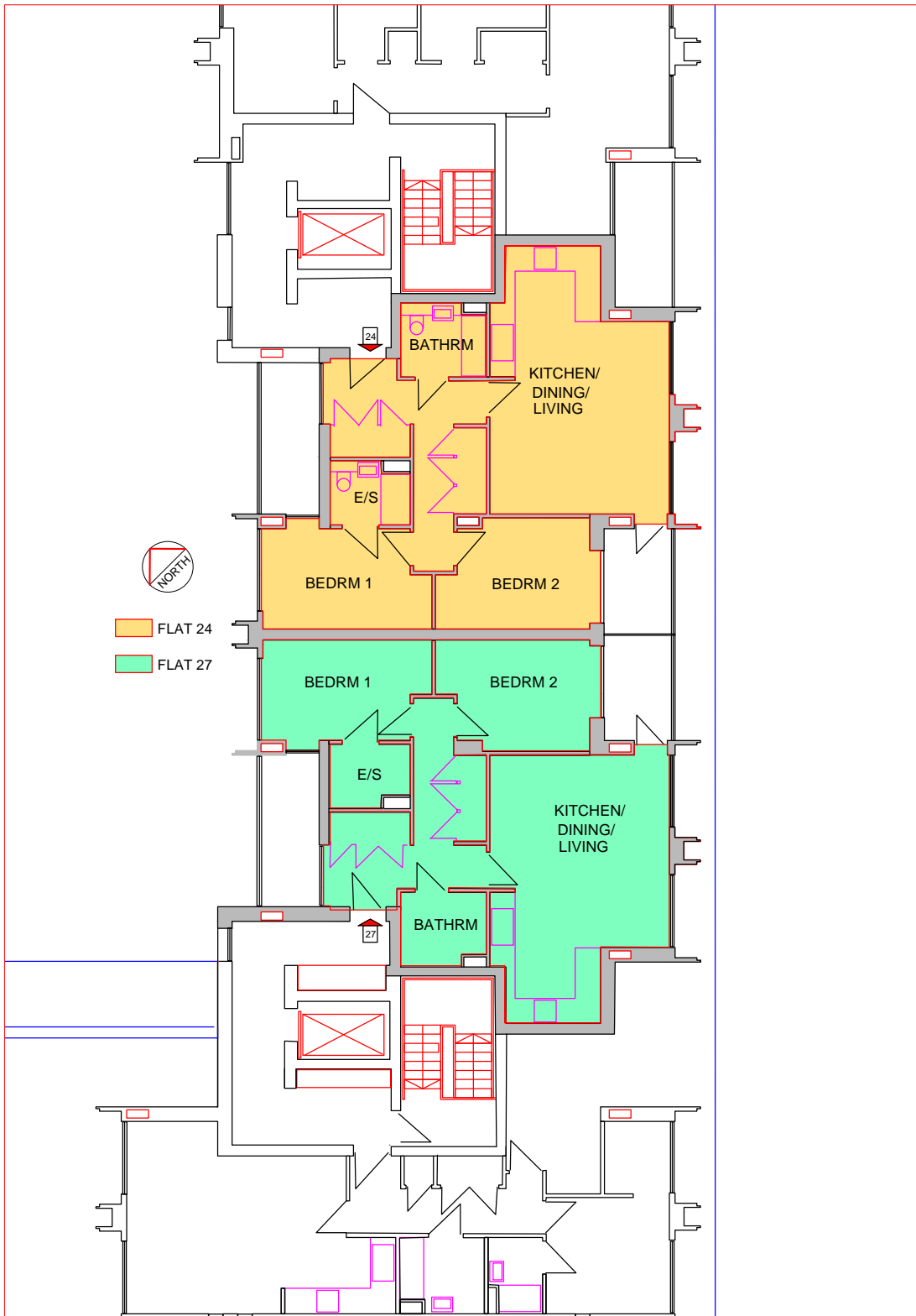
Conclusion

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.

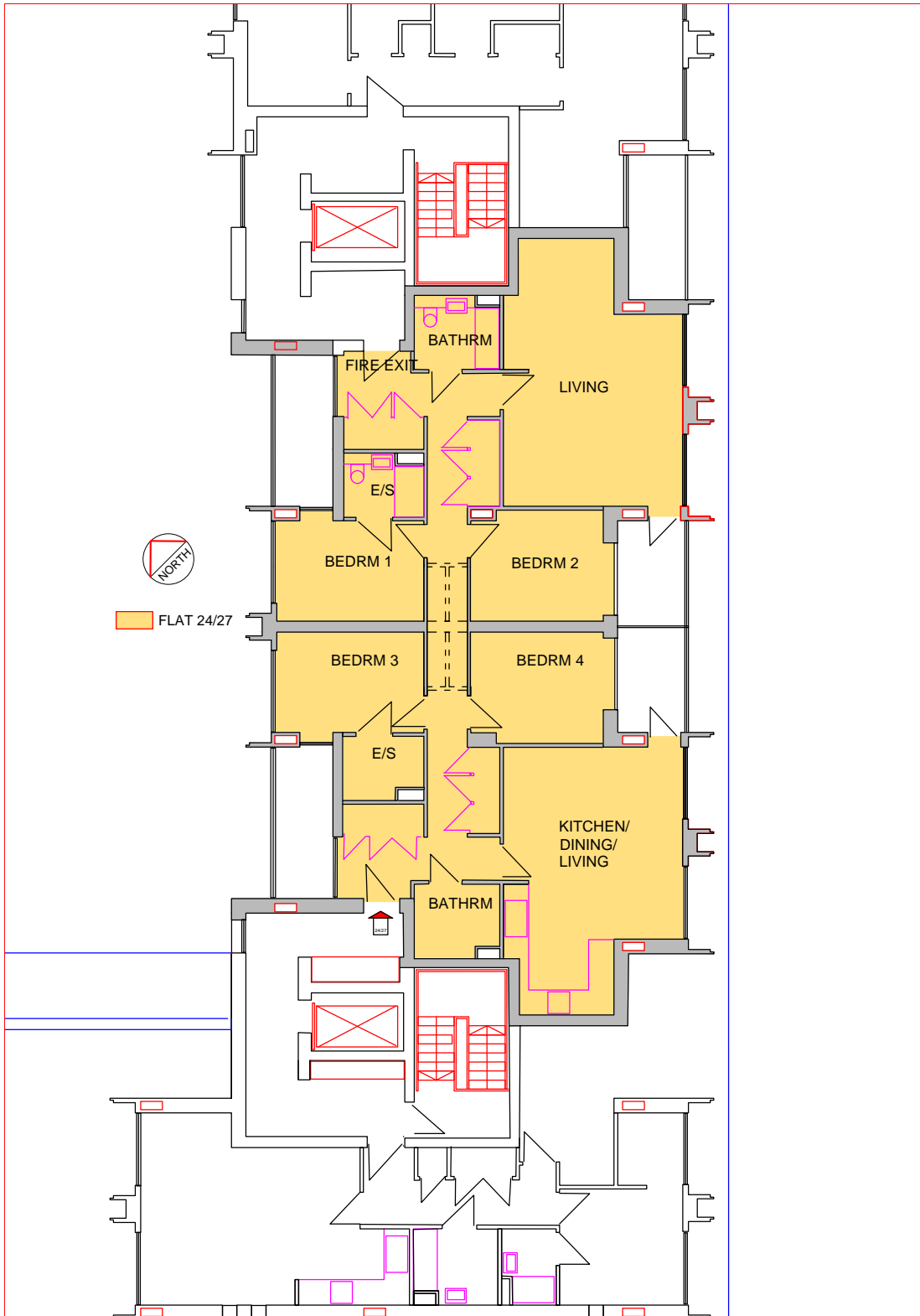
A certificate of lawful development for the proposed use should be granted.

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Appendix - Existing and proposed layout plan



EXISTING SIXTH FLOOR PLAN



PROPOSED SIXTH FLOOR PLAN