

LDC (Proposed) Report		Application number	2021/1032/P
Officer		Expiry date	
John Sheehy		3/05/2021	
Application Address		Authorised Officer Signature	
19 Alvanley Gardens London NW6 1JD			
Conservation Area		Article 4	
No		N/A	
Proposal			
Conversion of 2 x self-contained flats at ground and first floor, consisting of 1 x 2Bed and 1 x 1Bed units, into 1 x 4Bed unit.			
Recommendation:		Grant certificate	

1.0 Site description:

- 1.1 The proposal relates to a two-storey period property divided into three units and located on the eastern side of Alvanley Gardens.
- 1.2 There is limited planning history relating to the site, however an application determined in 2008 confirms that the 3-unit layout was in place then.
- 1.3 The building is not listed, nor is it located in a conservation area.

2.0 Proposal:

- 2.1 The applicant seeks to amalgamate two flats located at the ground and first floor levels (Flats A and C) into one self-contained flat. The application documents state that the two flats are both under the applicant's ownership. The applicant seeks to confirm that the amalgamation of the two units would not constitute development and planning permission is not required under section 55 of the TCPA 1990. No external changes are proposed.
- 2.2 In support of the application, the applicant has submitted existing and proposed plans of the ground and first floors as well as a design and access statement.

3.0 History:

- 3.1 February 2008 Planning permission granted for "Erection of single-storey side and rear extension at ground floor level (following the demolition of the side garage) in connection with the existing ground floor level flat", ref. 2007/6427/P.

This development has been carried out.

4.0 Assessment:

4.1 Planning permission is required if the work being carried out meets the statutory definition of 'development' which is set out in section 55 of the Town and Country Planning Act 1990 (as amended). The definition of development includes:

- building operations (e.g., structural alterations, construction, rebuilding, most demolition);
- material changes of use of land and buildings;
- engineering operations (e.g., groundworks);
- mining operations;
- other operations normally undertaken by a person carrying on a business as a builder.
- subdivision of a building (including any part it) used as a dwelling house for use as 2 or more separate dwelling houses

4.2 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 make mention as to whether combining dwellings to make a single larger unit would also constitute development.

4.3 Policy H3 of Camden's Local Plan 2017 seeks to protect existing housing by resisting development that would involve the net loss of two or more homes, but allows for the loss of one residential unit. As the proposal would only involve the loss of one residential unit, it is considered to comply with policy. Paragraph 3.75 of the Local Plan 2017 states that:

"Net loss of one home is acceptable when two dwellings are being combined into a single dwelling. Such developments can help families to deal with overcrowding, to grow without moving home, or to care for an elderly relative. Within a block of flats or apartments, such a change may not constitute development. However, the Council will resist the incremental loss of homes through subsequent applications to combine further homes within the same building or site"

4.4 In light of the above, the applicant seeks to determine whether the current proposal requires planning permission or not.

5.0 Consultation response

5.1 There is no statutory requirement to consult on certificate of lawfulness applications.

6.0 Recommendation

6.1 The proposed amalgamation of two flats within a subdivided building into a larger single self-contained unit would not constitute a material change, and no external alterations are proposed. This view is consistent with appeal case law and previous decisions issued. As a result, it is considered that the works described do not constitute development as defined by Section 55 of the Town & Country Planning Act 1990 (as amended). It is recommended that the certificate is granted.

Recommendation: Grant Certificate

