

LDC (Proposed) Report		Application number	2021/0585/P
Officer		Expiry date	
Charlotte Meynell		06/04/2021	
Application Address		Authorised Officer Signature	
46 Gayton Road London NW31TU			
Conservation Area		Article 4	
Hampstead		Yes	
Proposal			
Amalgamation of 2 flats into a single dwellinghouse (Class C3).			
Recommendation:	Grant Lawful Development Certificate		

## 1.0 Site Description

- 1.1 The host property relates to a five-storey mid-terrace building on the eastern side of Gayton Road. It is located within the Hampstead Conservation Area and the Hampstead Neighbourhood Plan Area.
- 1.2 The property has been divided into two units- a three bedroom flat at lower and upper ground floor levels and a three bedroom flat at first, second and third floor levels.

## 2.0 Proposal

- 2.1 A Certificate of Lawfulness is sought for the proposed amalgamation of 2 flats into 1 dwellinghouse.
- 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)

**2020/5030/P – 7 Well Road, NW3 1LH** Amalgamation of 2 flats to use as a single residential unit (Use Class C3). **Certificate of Lawfulness Granted 10-11-2020**

**2020/4444/P – Chesterfield House - Flat 4 1B King Henry's Road** - Amalgamation of 2 flats into a single residential unit at first floor level (Use Class C3). **Certificate of Lawfulness Granted 27-10-2020**

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

**2020/3286/P – 9 Evangelist Road NW3 1UA-** Amalgamation of 2 flats into a single residential unit at lower ground level (Class C3). **Certificate of Lawfulness Granted 25-06-2020**

**2020/2804/P – 27 Belsize Park** Amalgamation of 2 flats into a single residential unit at lower ground level (Class C3). **Certificate of Lawfulness Granted 25-06-2020**

**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). **Certificate of Lawfulness 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). **Certificate of Lawfulness Granted 21-04-2020**

**2020/0788/P – Upfleet 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). **Certificate of Lawfulness Granted 17-02-2020**

**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**

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

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

**2019/1399/P – 28 Frogmal Lane London NW3 7DT** Amalgamation of two flats (lower ground floor and ground floor) into single dwelling. **Certificate of Lawfulness 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**

#### **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, Camden's Local Plan (2017) 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 host building therefore there would not be a material change to the streetscene in any way. The site would remain in residential use following the conversion of two residential flats into a single dwellinghouse, 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 and 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 The Hampstead Neighbourhood Plan (2018) policy HC1 resists the loss of small self-contained dwellings, either studio or 1 or 2 bedrooms, in conversions. The existing flats both have 3 bedrooms, and as such the proposal would not be contrary to policy HC1 of the Hampstead Neighbourhood Plan.

4.5 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.

## **5.0 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 Proposed Lawful Development.