

Supporting Statement

The Site:

The site is Lower Ground floor, 126 Leighton Road, London, NW5 2RG and House excluding Lower Ground Floor, 126 Leighton Road, NW5 2RG.

126 Leighton Road is an end-terrace house on the corner of Leighton Road and Torriano Cottages.

It is situated in the Kentish Town Conservation Area.

The building is currently divided into two flats. The current owners own both flats.

The lower ground floor is a one-bedroom self-contained flat. For the last fifteen years it has either been unoccupied, or occupied by a relative of the owners of the upper flat. It is currently occupied by the owners' son.

The rest of the building contains four bedrooms. It is currently occupied by the owners.

The proposed purchasers of both flats seek to amalgamate the flats into a larger single dwelling for family occupation.

Other houses in the terrace are of a variety of configurations: Some are houses of multiple occupation, some single dwellings, others have been subdivided in two or more flats.

Relevant Planning History:

126 Leighton Road was originally built in the late 1800s as a single dwelling.

In 1962 permission was granted to convert the lower ground floor into a self-contained flat.

Proposed Amalgamation:

It is proposed to amalgamate the two flats by the addition of an internal stairway, thereby returning the building to its original configuration as a single dwelling.

No changes to the external appearance of the building are proposed.

There would be no change in the character of the use of the land

Relevant Legal Framework, Policy and Assessment

Under the Town and Country Planning Act 1990 ("TCPA 1990") planning permission is required for 'development'. Development includes making a material change in the use of land (TCPA 1990 s55(1)).

The Applicants consider the proposed works do not constitute development and therefore a certificate of lawful development for proposed use is sought.

It is submitted there is no material change of use because:

- a. The proposed alteration relates only to the interior of the building (Town and Country Planning Act 1990 s55(2)(a)).
- b. The proposed use of the building will remain within Class C3 (Town and Country Planning Act 1990 s55(2)(f)).

- c. The proposed use does not involve the amalgamation on one unit into two (Town and Country Planning Act 1990 s55(3)(a)).

As a matter of law, amalgamation may not amount a material change of use (eg R (on the application of RBKC) v SSCLG and ors [2016] EWHC 1785). It will depend on the circumstances.

Of particular relevance, in this case, it is contended there will be no effect on the residential character of the area.

In particular, it is submitted:

- a. The property will continue to be used as a dwelling lived in by the owners of the building.
- b. There will be no loss of residential floorspace.
- c. There will be no external changes that would change the character of the property or the area.
- d. The effect of the amalgamation will be to return the property to its original purpose and design.
- e. The amalgamation will mean the property will continue to be occupied by members of a single family.

Camden Policy H3 provides that the Council will resist development that would involve the net loss of two or more homes (from individual or cumulative proposals).

Camden Local Plan provides:

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. (3.75)

This proposal does not involve the loss of more than a single home. Neither does it involve a cumulative proposal that would involve the net loss of two or more homes.

The Applicant's approach is supported by the Planning Inspector in Appeal APP/X5210/X/17/3172201 (2 and 3 Wildwood Grove), 15 January 2018, Camden. An appeal was allowed for the amalgamation of two dwellings. The Inspector decided the nature of the use was the same and would have to be significantly different to be a change of use.

That approach has been followed in a significant number of other amalgamations of this type in Camden.

Reference	Address	Decision
2021/0585/P	46 Gayton Road, London, NW3 1TU	Granted 31-03-2021
2021/1301/P	116 South Hill Park, London NW3 2SN	Granted 26-03-2021
2021/1032/P	19 Alvanley Gardens, London, NW6 1JD	Granted 11-03-2021

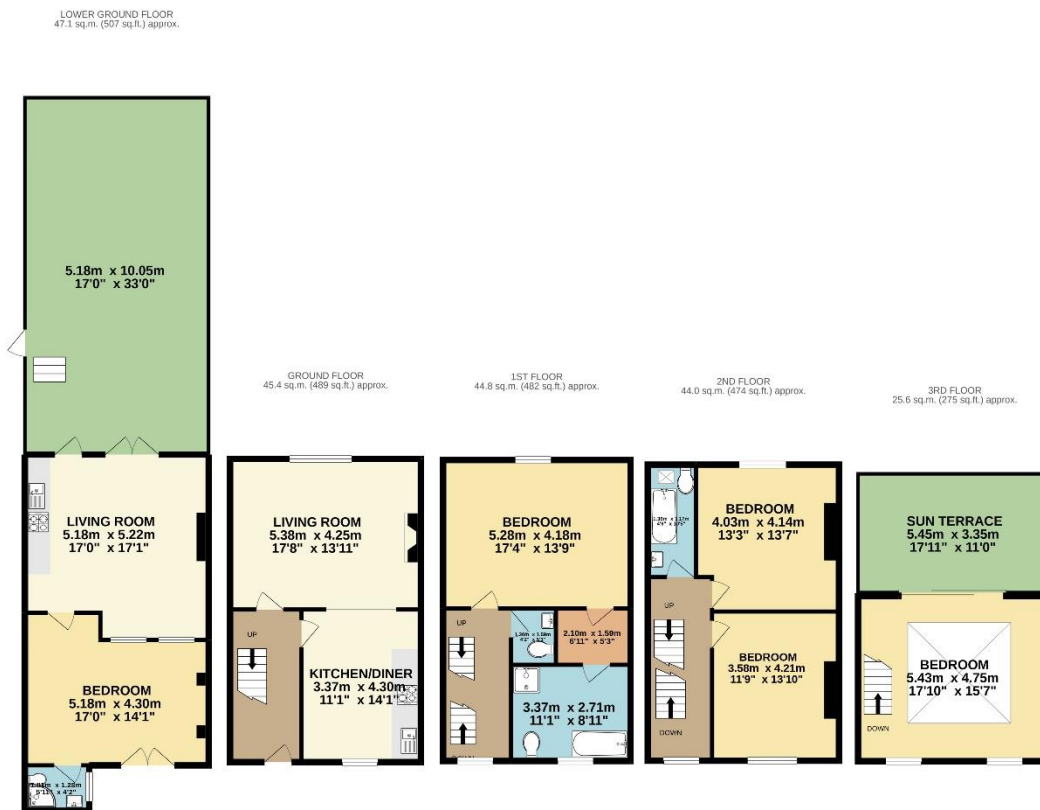
2020/5030/P	7 Well Road London, NW3 1LH	Granted 10-11-2020
2020/4444/P	Chesterfield House, Flat 41B, King Henry's Road, London, NW3 3QP	Granted 27-10-2020
2020/3286/P	9 Evangelist Road, London, NW5 1UA	Granted 27-07-2020
2020/1755/P	Flat 2 and 3, 53 Primrose Gardens, London, NW3 4UL	Granted 29-05-2020
2020/0788/P	Upfleet, Vale of Health, London, NW3 1AN	Granted 30-04-2020
2019/3652/P	17 and 18 Well Road, London, NW3 1LH	Granted 15-10-2019
2019/4264/P	21 Gascony Avenue, London, NW6 4NB	Granted 09-09-2019
2019/2064/P	69 Patshull Road, London, NW5 2LE	Granted 06-05-2019
2019/1399/P	28 Frognal 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 and 5, 45 Rosslyn Hill Well Road, London NW3 5UH	Granted 19-07-2018
2016/5621/P	2 and 3 Wildwood Grove, London NW3	Granted on appeal 15-01-2018

For those reasons, it is submitted there is not a material change of use and planning permission is not required. A certificate of lawful development for the proposed use is applied for.

Jonathan Polnay

19 April 2021

Existing Floorplan



Proposed Floorplan

LOWER GROUND FLOOR
47.1 sq.m. (507 sq.ft.) approx.

