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| LDC (Proposed) Report | | Application number | 2021/2884/P |
| Officer | | Expiry date | |
| Leela Muthoora | | 09/08/2021 | |
| Application Address | | Authorised Officer Signature | |
| 17B and 17C Langland Gardens London NW3 6QE | | | |
| Conservation Area | | Article 4 | |
| Redington Frogna | | Basements | |
| Proposal | | | |
| Amalgamation of two flats at ground and first floor into one single dwelling (Class C3) with no external alterations. | | | |
| Recommendation: | | Grant Lawful Development Certificate | |

Assessment:

1. Site Description

1.1 The site is a four-storey property located on the western side of Langland Gardens close to the junction with Lindfield Gardens. The property was sub-divided into four flats following the granting of permissions listed in section 3. The building is identified as making a positive contribution to the character and appearance of the Redington Frogna Conservation Area.

2. Proposal

2.1 A Certificate of Lawfulness is sought for the proposed amalgamation of two flats into one dwelling. The flats to be amalgamated are Flat B at ground floor level and Flat C at first floor level. The applicant seeks to confirm that the change of use would not constitute development and planning permission is not required under section 55 of the Town and Country Planning Act 1990. There would be no external changes as a result of the development.

3 Site History

| Application Ref. No. | Development Description | Decision | Date of Decision |
|----------------------|---|----------|------------------|
| TPD684/28219 | Outline application for the conversion of the ground floor and two floors over into three self-contained flats. | Granted | 13/04/1962 |
| TPD790/361 | Conversion into 3 self-contained flats. | Granted | 15/08/1962 |
| TPD1012/648 | Conversion of the lower ground floor into a self-contained flat. Granted Conditional permission | Granted | 20/03/1963 |
| TP/103509/2029 | The enclosing of the front porch in timber frames and glass. | Granted | 06/03/1964 |
| CTP/F5/9/17/6478 | Erection of conservatory on part of rear balcony at first floor level. | Granted | 05/03/1969 |
| 2011/4221/P | Replacement of existing balustrade with new painted metal balustrade, insertion of new patio door and the replacement of the existing door to terrace to rear of first floor flat (Class C3). | Granted | 13/10/2011 |

4. Assessment

4.1 The Town & Country Planning Act 1990, Section 55 (3)(a) 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 comment on whether combining two dwellings into one would constitute development.

4.2 A change of use that gives rise to planning considerations such as to the loss of a particular type of residential accommodation, is a relevant factor to be taken into account in considering whether a change of use is material. Camden 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 involve the net 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 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, with regard to Camden Local Plan policy H3 (Protecting existing homes), 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 There are no external alterations proposed in order to carry out the development.

5. Conclusion

The proposed amalgamation of two flats into a larger 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 that requires planning permission, as defined by Section 55 of the Town & Country Planning Act 1990 (as amended).

6. Recommendation: Grant lawful development certificate.