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Dear Sir/Madam,

**58 ETON AVENUE, BELSIZE PARK, LONDON, NW3 3HN.**

**SUBMISSION OF A CERTIFICATE OF LAWFULNESS APPLICATION (PROPOSED USE) SECTION 192.**

On behalf of our client, Mr. Scott Lister, please find enclosed the following information which is being submitted in relation to a Section 192 Certificate of Lawfulness Application (Proposed Use).

The full description of the development as stated is as follows:

*'Amalgamation of 2 flats into a single dwellinghouse (Class C3).'*

In addition to this covering letter the following information is included within this submission:

- Application forms
- Location plan
- Existing and proposed drawings
- Planning Covering Letter including Design and Access Statement (this letter).

Please see attached full copies of the related documents for this application outlined in the application.

A payment in the sum of £103.00 has been made to the London Borough of Camden Council to cover the requisite fee for the submission of a Section 192 Certificate of Lawfulness Application plus a subject service charge. The application has been submitted online via the Planning Portal, and the Planning Portal reference is PP- 10338749.

Introduction

A Certificate of Lawfulness is sought for the proposed amalgamation of Flat 1 and Flat 4 to form one dwellinghouse at 58 Eton Avenue, Belsize Park, NW3 3HN. The applicant is looking to amalgamate the two flats in order to create a larger unit for his and his wife's young family. The works to the property would be limited to internal alterations to facilitate the merger of the two units into one self-contained dwelling. The applicant seeks to confirm that the proposed works to the building would not constitute



development and planning permission is not required under section 55 of the Town and Country Planning Act 1990.

### Planning, Design and Access Statement

The subject site is a 4-storey detached building located on the western side of Eton Avenue. The property is currently sub-divided into eight individual self-contained flats. The site falls within the Belsize Park Conservation Area, but is not a statutory Listed Building.

The enclosed drawings submitted alongside this application confirm that the proposals and materials are in accordance with Camden’s design and amenity policies.

### Policy Considerations

#### Camden Local Plan

The key policy when assessing the acceptability of the proposed development is Policy H3, which is entitled ‘Protecting Existing Homes’ and seeks to protect all housing floorspace with a particular focus on self-contained houses and flats.

Policy H3 states that Camden Council will resist a net loss of residential floorspace and a net loss of homes. However, paragraph c) also states that development involving the net loss of homes will be resisted unless they create larger homes in a part of the borough with a relatively low proportion of large dwellings.

The amalgamation of two units into one is an exception to Policy H3 as stated in paragraph 3.74, “The Council also recognises that there are situations where the loss of individual homes may be justified”. The following paragraph (3.75) goes on to state:

“Net loss of one home is acceptable when two dwellings are being converted into a single dwelling. Such developments can help families deal with overcrowding, to grow without moving home, or to care for an elder relative. Within a block of flats or apartments, such a change may not constitute development.”

#### National Planning Policy

The works to facilitate the amalgamation of the two properties would be solely internal. These works would only affect the interior of the building and would not materially affect the external appearance of the application property. These works would therefore not amount to development as stated in para 2(a) of Section 55 of the Town and Country Planning Act, 1990.

The use of the site would remain in residential use following the conversion of two residential flats into a single dwelling. The proposal would only involve the loss of one residential unit.

The lawfulness of the amalgamation of two flats into one larger dwelling is a matter of fact and degree and has to have regard to housing supply and policy judgement in the area. As referenced below, there



are recent and relevant cases whereby LB Camden has confirmed the amalgamation of two dwellings does not constitute 'development' as defined by Section 55 of the TCPA and would be lawful.

Related planning history (other sites in Camden);

2021/0585/P - 46 Gayton Road, NW31TU Amalgamation of 2 flats into a single dwellinghouse (Class C3). Certificate of Lawfulness Granted 31-03-2021

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 Frognal 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

Conclusion

We trust that the above is informative and is sufficient to validate and approve the application, however if you have any queries or require any further information, please do not hesitate to contact Marlon Deam or Archie Noden at this office.

Yours faithfully

*DP9 Ltd.*

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