

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2021/1880/P
<b>Officer</b>		<b>Expiry date</b>	
Enya Fogarty		04/02/2022	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
126 Leighton Road London NW5 2RG			
<b>Conservation Area</b>		<b>Article 4</b>	
Kentish Town Conservation Area		Basement	
<b>Proposal</b>			
Amalgamation of 2 self-contained flats into a single dwellinghouse (Use Class C3).			
<b>Recommendation:</b>		Grant Certificate	

## 1.0 Site Description

The application site is a four storey end of terraced property at the corner of Leighton Road. The property is split into two flats; the lower ground floor flat and the upper floor flat. The property is not listed but is located within the Kentish Town Conservation area. The lower floor flat was occupied by the previous freeholders' son while the previous freeholders occupied the upper ground floor flat.

## 2.0 Proposal

A certificate of lawfulness is sought for the proposed amalgamation from two flats into a single dwelling house. The purpose of the amalgamation is due to the owners, the current freeholders wishing to use the property as a family home.

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

There is no relevant planning history

### 3.1 Related planning history (other sites in Camden)

- 46 Gayton Road, London, NW3 1TU 'Amalgamation of 2 flats into a single dwellinghouse (Class C3).' **Granted 31-03-2021**

- 116 South Hill Park London NW3 2SN '*Conversion of 2 x self-contained flats at ground and first floor, consisting of 1 x 1Bed and 1 x 1Bed units, into a 1 x 3Bed unit*' **Granted 26-03-2021**
- 7 Well Road London NW3 1LH '*Amalgamation of 2no flats into a single residential unit (Use Class C3)*' **Granted 10-11-2020**
- 9 Evangelist Road London NW5 1UA '*Amalgamation of 2 self-contained flats into a single dwellinghouse (Use Class C3).*' **Granted 27-07-2020**
- 21 Gascony Avenue London NW6 4NB '*Amalgamation of two flats into single dwelling house (Class C3)*' **Granted 09-09-2019**

#### **4.0 Assessment**

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 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.

The 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 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. The use of the site would remain in residential use following the conversion of two residential flats into a single dwelling. It is only a loss of one dwelling and furthermore they appear to have been occupied by the same family. There are unlikely to be other material impacts from the change, such as notable changes to numbers of people leading to different impacts on amenity or infrastructure. Overall, there would not be a material change of use in this case. Therefore, the works would not fall within the meaning of "development" requiring planning permission of section 55(2)(f) as defined by the Town and Country Planning Act 1990.

With regards to judgement of whether the development is material when compared with the development plan under Camden Local Plan policies H1 & 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 or raise other material planning considerations that would constitute a material change. The proposed development as presented would therefore no constitute a material change of use requiring planning permission.

#### **5.0 Conclusion**

It is considered that the works does not constitute development as defined by section 55 of the Town & Country Planning Act 1990, and therefore would not require planning permission.

**Grant certificate of lawful development (proposed).**