



Planning Statement

**Apartments 28-29
Paramount Court,
University Street, London,
WC1E 6JP
December 2021**

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Chapter 1

Introduction

1. Introduction

- 1.1. This planning statement has been prepared by WEA Planning on behalf of Mr & Mrs Patel, to support the Certificate of Lawfulness application for the proposed amalgamation of the 2 no. one-bedroom flats (apartments 28 and 29) at Paramount Court, University Street, London, WC1E 6JP. The works to the property would be limited to internal alterations to facilitate the merger of the two units into one self-contained dwelling.
- 1.2. The applicants seek 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.

Site Description

- 1.3. The application site is situated within the London Borough of Camden (herein referred to as "LBC") within Paramount Court, University Street, London, WC1E 6JP.
- 1.4. The site is an 8-storey purpose-built block of flats located on the northern side of University Street at the junction of University Street and Tottenham Court Road. The entire complex is currently sub-divided into 120 flats. The application properties are Apartments 28 and 29, located on the second floor of the building. The flats are one-bedroom flats with north-east facing windows. Apartment 29 benefits from a balcony, while Apartment 28 does not have access to private amenity space.
- 1.5. The site is not a statutory listed building, however, it is located within the Bloomsbury Conservation Area.

The proposal

- 1.6. The application seeks confirmation from LBC that the proposed amalgamation would be lawful.
- 1.7. The works to amalgamate the flats would be internal alterations only and would not result in any external alterations.
- 1.8. The application demonstrates that the proposed works would not constitute development, and planning permission is not required under Section 55 of the Town and Country Planning Act 1990.

Planning History

- 1.9. The most relevant planning application on site is full planning application 2012/0716/P which proposed “*Conversion of 2 x 1 bed self-contained flats to 1 x 1-bed self contained residential flat (Class C3)*”. The proposed amalgamation was granted planning permission on 05/04/2012.
- 1.10. The delegated report prepared by the case officer states: “*None of the works are external and therefore the main considerations relate to the land use implications. Policy DP2 of the LDF seeks to minimise the loss of housing within the borough and in particular those that would involve the net loss of two or more homes. This proposal has a net loss of one residential flat and is within the limits of this test and therefore acceptable. The mix of units would remain unaltered from the current situation and would therefore comply with policy DP5.*”

Chapter 2

Planning Justification

2. Planning Justification

Legal Framework

- 2.1. Under section 55(1) of the Town and Country Planning Act 1990, planning permission is required for “development”, which includes the making of a material change in the use of land. The main issue is whether the amalgamation of two dwellings to create a single property would constitute such a material change in the use of the Property.
- 2.2. Section 55(3) of the TCPA 1990 also specifically states a change from one dwellinghouse (which includes flats) to two or more dwellinghouses constitutes a material change of use. However, there is no guidance concerning the reduction in the number of residential units through the merger of two or more dwellinghouses to a lesser number.
- 2.3. It has been established in case law that amalgamation can amount to a material change of use as detailed below.
- 2.4. A case involving the amalgamation of dwellings was London Borough of Richmond v Secretary of State for the Environment, Transport and the Regions and Richmond upon Thames Churches Housing Trust QBD 28 March 2000. In that case, the High Court held that whether planning permission is required for amalgamation of dwellings should be a matter of fact and degree as to whether the loss of an existing use represents a material change having regard to the planning merits of the area, any planning policies in place and evidence of need.
- 2.5. In the case of R on the application of RB Kensington and Chelsea v (1) Secretary of State for Communities and Local Government (2) David Reis (3) Gianna Tong

[2016] EWHC 1785 - where the amalgamation of two flats into one self-contained flat was proposed - the Court also considered the Richmond case and referred to the principles established in that case.

- 2.6. On the basis of the latest court case precedents set out in the above case law, 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.

Policy Considerations

Camden Local Plan 2017

- 2.7. 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.
- 2.8. Policy H3 clearly states that LBC 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.
- 2.9. 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.”

Assessment

- 2.10. The works to facilitate the amalgamation of the two properties would be solely internal with the opening of the wall separating the living rooms of the two flats, the entrance doors to the flats would be retained. 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.
- 2.11. The use of the site would remain in residential use following the conversion of two one-bedroom flats into a single 3-bedroom flat. The proposal would only involve the loss of one residential unit and create a family home. As such, the proposal would not materially impact Camden's housing stock or the ability of LB Camden to meet its housing targets.
- 2.12. Appeal decision *APP/X5210/X/17/3172201* against a refused Certificate of Lawfulness at 2 & 3 Wildwood Grove, NW3 7HU shows that the amalgamation of two units would not represent a material change of use in Camden and would therefore not constitute development. In determining the case, the Inspector stated: *“I do not consider the amalgamation of two dwellings into one was development in the first place”*.

- 2.13. Recent examples of Certificate of Lawfulness applications for the amalgamation of two units into one show that LB Camden has not considered amalgamations to constitute development, as defined by Section 55 of the TCPA 1990.
- 2.14. The best example is application 2021/1098/P at Flat 24, 1 Rochester Place, NW1 9DZ & Flat 27, 80 St Pancras Way, NW1 9DN for the amalgamation of the two sixth floor flats into a large four-bedroom flat. When assessing the proposal, the officer considered: *“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.”*
- 2.15. It should be noted that the flats are located within a part-seven, part-eight purpose-built block of flats comprising 164 units. And similar to the proposal on Paramount Court, the flats are adjacent and have the same layout. The application sought to merge two flats in order to create a family-sized four-bedroom flat.
- 2.16. Another recent example is application 2021/4409/P at 17 Hampstead Hill Gardens, London, NW3 2PH for the amalgamation of the existing lower ground floor and upper ground floor flat into a four-bedroom maisonette. The amalgamation was considered lawful by LB Camden as clearly stated on the decision notice dated 9th December 2021: *“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”*.
- 2.17. Other relevant examples include the case of Flats B and C, 96 Fortess Road, NW5 2HJ. A Certificate of Lawfulness was granted in April 2021 for the amalgamation of the two flats into a single residential unit occupying the ground, first and second floors of the building (Ref 2021/0430/P). Camden’s position is also illustrated by the recent planning decisions ref 2019/1399/P at 28 Frognal

Lane, NW3 and 2019/0002/P 23 Hampstead Hill Gardens, NW3 which both sought confirmation from LB Camden that the amalgamation of two two-bedroom flats and two three-bedroom flats, respectively, would be lawful.

- 2.18. Considering the similarities between these examples and the proposal at Apartments 28 & 29, Paramount Court, it is clear the proposed amalgamation should not be viewed as constituting development, as defined by Section 55 and would be lawful.

Chapter 3

Conclusion

3. Conclusion

- 3.1. This application proposes the amalgamation of two one-bedroom flats, Apartments 28 and 29, Paramount Court, University Street, WC1E 6JP, into one three-bedroom flat. No external alterations would be carried out as part of the proposal.
- 3.2. Appeal decision APP/X5210/X/17/3172201 established the amalgamation of two flat within LB Camden does not constitute development. And subsequent approved Certificate of Lawfulness applications confirm the amalgamation of two units into a larger dwelling does not require planning permission.
- 3.3. As such, based on recent decisions from LB Camden, it is understood the proposed works to the property would not constitute development as defined by section 55 of the Town & Country Planning Act 1990, and therefore would not require planning permission.
- 3.4. It is kindly requested that a Certificate of Lawfulness be issued in respect of the supplied drawings.