

LDC (Proposed) Report		Application number	2021/2085/P
Officer		Expiry date	
Nora-Andreea Constantinescu		28/06/2021	
Application Address		Authorised Officer Signature	
39 & 40 Chester Terrace London NW1 4ND			
Conservation Area		Article 4	
Proposal			
Amalgamation of two residential properties into one single family dwelling.			
Recommendation:		Grant Certificate of lawful development	

1.0 Site description

1.1 The properties at nos. 39 and 40 Chester Terrace are two single family dwellinghouses that form part of neo-classical terrace designed by John Nash and built in the early-mid 19th century. They are Grade I listed. Both properties comprise four storey above ground with a basement level below.

2.0 Proposal

2.1 A certificate of lawfulness is sought for the proposed amalgamation of two adjacent residential properties. The applicant seeks to confirm that the proposed change of use would not constitute development and planning permission would not be required under section 55 of the Town and Country Planning Act 1990. There would be no external changes as a result of the development.

3.0 History

3.1 Both properties have various planning records in relation to extensions and alterations under their use as residential buildings, under use class C3.

4.0 Assessment

4.1 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.

- 4.2 Although not relevant in the determination of this certificate application, the Borough's 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.
- 4.3 Subject to this certificate, 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.
- 4.4 Relevant to this determination is the appeal case reference APP/X5210/X/17/3172201 (2 & 3 Wildwood Grove; ref: 2016/5621/P) in Camden, which was allowed on 15/01/2018 for the conversion of two residential dwellings into one. In the assessment, the Inspector considered that the amalgamation of two dwellings into one would not be a material change of use and therefore would not constitute development.
- 4.5 Importantly, the current assessment does not refer to any internal alterations required to implement the proposed amalgamation. As the buildings are Grade I listed, any internal works would require listed building consent.

5.0 Conclusion

- 5.1 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. Any works required to implement the proposed development would be subject to separate Listed Building Consent.
- 5.2 Grant certificate of lawful development (proposed).