

LDC (Proposed) Report		Application number	2021/6239/P
Officer		Expiry date	
Fast Track Team - SC		16/02/2022	
Application Address		Authorised Officer Signature	
House 3 and House 4 4-12 Elsworthy Rise London NW3 3SH			
Conservation Area		Article 4	
		Basements	
Proposal			
Amalgamation of 2 semi-detached houses into a single dwelling			
Recommendation:			

1.0 Site Description

1.1 The application relates to Houses 3 and 4 of a group of four houses forming a small cul-de-sac located on the western side of Elsworthy Rise, mid-way between the junctions with Adelaide Road to the north and King Henry's Road to the south. The houses in the cul-de-sac known as Houses 1, 2, 3 and 4 are arranged as two pairs of two-storey semi-detached buildings lying opposite to each other and perpendicular to the road. The site is not located in a conservation area, it lies approximately 55 metres from the Elsworthy Conservation Area, the boundary of which runs along King Henry's Road to the south.

2.0 Proposal

2.1 A Certificate of Lawfulness is sought for the proposed amalgamation of House 3 and House 4 into a single family dwelling.

2.2 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

3.1 At the application site:

3.2 The Development Control Committee granted planning permission (2006/1952/P) subject to s106 agreement on 19/01/2007 for the erection of a mansard roof with dormer windows to front, side and rear, to provide 2 additional bedrooms for House 3.

2007/6269/P – enlarged rear dormer window and for internal alterations to the layout resulting in a 3-bedroom property.

3.3 Neighbouring properties:

3.4 The Development Control Committee also granted planning permissions subject to s106 agreement (2006/1948/P, 2006/1951/P, and 2006/1953/P) for the erection of a mansard roof with dormer windows to front, side and rear elevations to each of other houses in the cul-de-sac on 20/01/2007.

Reason for Referral to Committee for the above applications: The applications necessitate a Section 106 legal agreement to ensure that all 4 developments are carried out concurrently.

2019/0002/P - Amalgamation of two flats at lower ground and ground floor levels into a single dwelling at basement and ground floor levels at 23 Hampstead Hill Gardens. Granted (19/3/2019)

2019/1399/P - Amalgamation of two flats at lower ground and ground floor levels into a single dwelling at 28 Frogmal Lane. Granted 3/04/2019

2019/2064/P - Amalgamation of two flats at ground and first floor levels at 69 Patshull Road. Granted (05/06/2019)

2019/4264/P - Amalgamation of two flats into a single dwelling house (class3) at 21 Gascony Avenue. Granted (09/09/2019)

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.

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 as 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. In this case it is 2 units into 1 in this property.

Although not relevant in the determination of this certificate application, Camden’s Local Plan (2017) 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. No external changes are proposed to the host building therefore there would not be a material change to the street scene in any way. The site would remain in residential use following the conversion of two residential units into one single dwelling house, and is not considered to be a material change of use. The de-intensification from two to one would have no

material impact of neighbour amenity or infrastructure. 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.

4.2 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.

4.3 With regards to judgement of whether the development is material when compared with the development plan under Camden Local Plan policies H1 and 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. 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).

5.0 Conclusion

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

5.2 Grant Certificate of Proposed Lawful Development.