

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2022/1828/P
<b>Officer</b>		<b>Expiry date</b>	
Adam Greenhalgh		23/06/2022	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
13 Upper Park Road London Camden NW3 2UN			
<b>Conservation Area</b>		<b>Article 4</b>	
N/A		Basements	
<b>Proposal</b>			
Internal alterations and amalgamation from two flats into one.			
<b>Recommendation:</b>		<b>Grant Lawful Development Certificate</b>	

### **Site Description**

The application relates to the existing ground and first floor flats within the 4 storey semi-detached property (lower ground, ground, 1<sup>st</sup> and 2<sup>nd</sup> floors). The building is not listed. It is located in the Parkhill Conservation area. There is a front entrance door with a door into the ground floor flat and stairs up to the first floor flat.

### **Proposal**

The proposed works comprise internal alterations, principally to enable the formation of a ground and first floor three bedroom flat with an internal staircase. On the ground floor there would be: chimney flue removal, new staircase, new internal opening, replacement internal single door with double door. On the first floor there would be infilling of the entrance door and changes to internal walls and the formation of the staircase opening.

### **Assessment**

- i. **Amalgamation of two flats into one:**

Under S.22 of the Town and Country Planning Act development is defined as:

‘the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land’

It follows that if no material change of use takes place, then no development has occurred.

There is case law to prove that the conversion of two flats into one does not constitute a material change of use, vis: 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.

The following applications involving a change of use from two flats to one (in Camden) have also been considered to not constitute a material change of use and therefore to be lawful, because they do not involve development:

**2021/0585/P – 46 Gayton Road, NW3 1TU** 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**

**2019/4264/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**

## **ii. Internal alterations**

Also, under S.55 of the Act ‘building operations or other operations which do not materially affect the external appearance of a building’ are not development.

The building operations/internal works would not materially affect the external appearance of the building. These also, would not therefore be development.

## **Conclusion**

It is considered that the works does not constitute development as defined under the Town & Country Planning Act 1990, and therefore would not require planning permission. The Certificate of Lawfulness should therefore be granted.