

LDC (Proposed) Report		Application number	2023/0536/P
Officer		Expiry date	
Leela Muthoora		03/04/2023	
Application Address		Authorised Officer Signature	
Flat A and Flat B 134 Belsize Road London NW6 4BG			
Conservation Area		Article 4	
South Hampstead		Yes	
Proposal			
Amalgamation of two flats into a single dwellinghouse (Class C3).			
Recommendation:	Grant Lawful Development Certificate		

1. Site Description

- 1.1. The application site refers to a three-storey plus basement building originally built as a house and currently sub-divided into two flats.
- 1.2. The two flats are arranged over two floors: a two-bedroom flat at lower ground (basement) and upper ground floor levels, and a three-bedroom flat at first to second floor levels. The property was converted to two flats following the approval of application reference: J6/1/2/25596 in 1978 (see planning history).
- 1.3. The site is not statutorily listed but is defined as making a positive contribution to the character of the South Hampstead (formerly Swiss Cottage) Conservation Area and is subject to an Article 4 Direction (Swiss Cottage) from 2010, which removes certain permitted development rights, to protect historic features.

2. Proposal

- 2.1. A Certificate of Lawfulness is sought for the proposed amalgamation of 2 flats into 1 dwellinghouse.
- 2.2. There would be no external changes as a result of the development.
- 2.3. 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. Site History

3.1. At the application site:

App ref	Development Description	Decision & Date
J6/1/2/25596	The change of use to two self-contained dwelling units including works of conversion	Permission 02/02/1978

3.2. Related planning history (other sites in Camden):

App ref	Address	Development Description	Decision & Date
2022/2115/P	Flats 23 & 24, 55-57 Holmes Rd, NW5 3AN	Amalgamation of two flats into one flat on 4th floor.	Certificate Granted 20/10/2022
2021/4046/P	2 Bisham Gardens N6 6DD	Amalgamation of 2 flats into a single dwellinghouse (Class C3).	Certificate Granted 22/10/2021
2022/0322/P	Flats 145 & 145A, Leighton Rd, NW5 2RB	Amalgamation of two flats into one residential unit.	Certificate Granted 06/04/2022
2021/5301/P	7 Adamson Road NW3 3HX	Amalgamation of two flats into one at lower ground floor level.	Certificate Granted 07/01/2022
2021/5276/P	5 Adamson Road NW3 3HX	Amalgamation of two flats into one at lower ground floor level.	Certificate Granted 07/01/2022
2021/2884/P	17B & 17C Langland Gardens NW3 6QE	Amalgamation of two flats at ground and first floor into one single dwelling (Class C3) with no external alterations.	Certificate Granted 05/08/2021
2021/0585/P	46 Gayton Road NW3 1TU	Amalgamation of 2 flats into a single dwellinghouse (Class C3).	Certificate 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 Granted 10/11/2020
2020/4444/P	Chesterfield House, 1B King Henry's Rd	Amalgamation of 2 flats into a single residential unit at first floor level (Use Class C3).	Certificate Granted 27/10/2020
2020/3190/P	38 Crediton Hill NW6 1HR	Amalgamation from 3 flats to 2 flats and infilling ground floor window opening (Class C3).	Certificate 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 Granted 25/06/2020
2020/1441/P	13 Steele's Road 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 Granted 25/06/2020
2020/1755/P	Flats 2 & 3, 53 Primrose Gardens	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	Certificate Granted 21/04/2020

	NW3 4UL	bedroom self-contained residential flat (Class C3).	
2020/0788/P	Upfleet Vale of Health 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 Granted 17/02/2020
2019/3652/P	17 & 18 Well Road NW3 1LH	Amalgamation of two properties into a single dwelling.	Certificate Granted 15/10/2019
2019/4264/P	21 Gascony Avenue NW6 4NB	Amalgamation of two properties into a single dwelling.	Certificate Granted 09/09/2019
2019/2064/P	69 Patshull Road NW5 2LE	Amalgamation of two flats at ground floor and first floor levels.	Certificate Granted 05/06/2019
2019/1399/P	28 Frognal Lane NW3 7DT	Amalgamation of two flats (lower ground floor and ground floor) into single dwelling.	Certificate Granted 03/04/2019
2019/0002/P	23 Hampstead Hill Gardens NW3 2PJ	Amalgamation of two flats at basement and ground floor levels.	Certificate Granted 19/03/2019

4. 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.
- 4.2. Policy can be a material consideration insofar as it is relevant to whether the proposal has a material planning impact constituting a “material change of use”. 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. The site would remain in residential use following the conversion of two residential flats into a single dwellinghouse and is not considered to be a material change of use. No external changes are proposed to the host building therefore there would not be a material change to the streetscene in any way. 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.
- 4.3. 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).

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.

5. 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.

6. **Recommendation:** Grant Certificate of Proposed Lawful Development.