

LDC (Proposed) Report		Application number	2021/1098/P
Officer		Expiry date	
Josh Lawlor		04/06/2021	
Application Address		Authorised Officer Signature	
Flat 24 1 Rochester Place London NW1 9DZ & Flat 27 80 St Pancras Way London NW1 9DN			
Conservation Area			
N/A		Basement	
Proposal			
Amalgamation of 2 x residential units to form new 1 x self-contained residential unit (Class C3).			
Recommendation:		Grant Certificate of Lawfulness	

1. Site Description

- 1.1. The site is a residential development containing 164 residential units. The building has a maximum height of seven storeys. Flat 24 is a two-bedroom 4-person private apartment on the top storey (6th) of Bennett House, set back from the main external elevation walls. Flat 27 is also a two-bedroom 4-person private apartment on the top storey (6th) of Dickens House, set back from the main external elevation walls. The flats are adjacent and have the same layout. The combined floor area of the two flats is 165.7 sq.m.

2. Proposal

- 2.1. A Certificate of Lawfulness is sought for the proposed amalgamation of two flats, into one dwelling. The sixth floor, two bedroom flats nos. 27 and 27 would be combined into a single four bedroom flat. The applicant seeks to confirm that the amalgamation would not constitute development and that planning permission is not 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. History

None relevant

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 involves 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. 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. 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.
- 4.3. 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 do 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 lawful development (proposed).