

27 March 2026

Planning Department
London Borough of Camden
2nd Floor,
5 Pancras Square
c/o Town Hall,
Judd Street
London
WC1H 9JE

Dear Sir/Madam,

34 Belsize Park, London NW3 4DX

Lawful Development Certificate in Respect of Proposed Amalgamation of the Existing Ground and Lower Ground Floor Flats at 34 Belsize Park

On behalf of our client, please find enclosed an application for a Lawful Development Certificate relating to the above address, Camden. The application has been submitted online via the Planning Portal.

Specifically, for the avoidance of doubt, the application seeks confirmation that planning permission is not required for the proposed amalgamation of two existing (Use Class C3) residential apartments, into one residential apartment (Use Class C3).

In accordance with the Council's Local Area Requirements for Planning Applications, the application is accompanied by the following documents:

- Completed Lawful Development Proposed Use Planning Application Form;
- Site location plan;
- Existing and proposed and floorplans.

The Site

34 Belsize Park is a three-storey (plus lower ground & loft) semi-detached property located mid way on Belsize Park. The property is currently used as private residential accommodation, containing separate apartments. The application relates to the amalgamation of the lower ground floor and ground floor flats of 34 Belsize Park.

The site is situated within the Belsize Conservation Area, although the building itself is not statutory or locally listed.

Proposed Amalgamation

A Certificate of Lawfulness is sought for the proposed amalgamation, at lower ground and ground floor levels, of the two adjoining flats into one single abode. In order to achieve this, a new stair will be

inserted in the location beneath the existing communal stair in the ground floor hallway and this will serve to connect the two floors, thus creating a duplex apartment.

The applicant seeks to confirm through this application that the amalgamation does not constitute development and accordingly planning permission is not required, under Section 55 of the Town and Country Planning Act (TCPA) 1990.

Section 55(1) of the TCPA 1990 stipulates that planning permission is required for 'development', which includes "*the making of any material change in the use of any buildings*". The use of the building would remain as private residential accommodation (Use Class C3).

Part 2 of Section 55 of the TCPA also sets out operations or uses of the land which should not be taken to involve development. Sub-sections (a) and (f) are relevant for this application. Sub-section (a) states that:

"(a) The carrying out for the maintenance, improvement or other alteration of any building of works which:

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building"

As noted above, the proposed alterations would only affect the interior of the building, and would not impact on the external appearance of the building, therefore satisfying sub-section (a).

Sub-section (f) notes:

"In the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class".

As demonstrated throughout this covering letter and supporting documentation, both the existing apartments and the subsequent proposed single unit fall within Use Class C3: Dwellinghouses of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposal therefore satisfies sub-section (f).

In addition to the above, although planning policy is not considered to be relevant for the determination of this application, it is worth highlighting that Policy H3 Protecting Existing Homes from the Camden Local Plan (2017) states that:

"The Council will ensure that the existing housing continues to meet the needs of existing and future households by:

a) Resisting development that would involve a net loss of residential floorspace...

c) Resisting development that would involve the net loss of two or more homes (from individual or cumulative proposals)..."

It can be seen as part of this application that there will be no net loss of residential floorspace, and the proposals will only result in the loss of one unit. The proposals would not therefore, conflict with the relevant planning policies of the Development Plan nor would it materially impact the Borough's ability to meet its housing targets. Beneficially, the proposals also allow for the creation of family sized accommodation.

Following the amalgamation into the single dwelling, the floorspace and use of the site will remain in a residential use, and therefore cannot be considered to be a material change of use. On this basis, the works which comprise this Certificate of Lawfulness do not fall within the meaning of 'development', which would require planning permission as defined in Section 55(1) of the Town and Country Planning Act (1990).

There are also a number of other certificate of lawfulness applications within the London Borough of Camden whereby similar amalgamations have been approved and Officers have confirmed that the proposals do not require planning permission, thus setting a precedent for this application. These are summarised in the table below:

Application Ref.	Address	Description of Development	Decision
2019/3652/P	17 and 18 Well Road London NW3 1LH	Amalgamation of two properties into a single dwelling.	Granted 15-10-2019
2019/1399/P	28 Frognal Lane London NW3 7DT	Amalgamation of two flats (lower ground floor and ground floor) into single dwelling.	Granted 03-04-2019
2019/0002/P	23 Hampstead Hill Gardens London NW3 2PJ	Amalgamation of two flats at basement and ground floor levels.	Granted 19-03-2019
2020/2804/P	27 Belsize Park London NW3 4DU	Amalgamation of 2 no. flats into a single residential unit at lower ground level (Use class C3).	Granted 25-06-2020
2024/0994/P	Garden Flats at 62 & 64 Belsize Park Gardens London NW3 4NE	Amalgamation of existing 2 no. lower ground floor flats into a single residential unit (Use class C3).	Granted 09-05-2024

Summary

A Lawful Development Certificate is sought to confirm that the amalgamation of the two residential apartments does not require planning permission. As part of this application, only internal alterations in the form of a connecting staircase between the 2 flats is proposed.

This Covering Letter has sought to demonstrate how it is well evidenced within case law and other applications that the proposal which is the subject of this Lawful Development Certificate does not comprise a material of change of use, and therefore no 'development' in accordance with Section 55 of the TCPA 1990 would take place. In this instance, it can clearly be demonstrated that on these grounds planning permission is not required.

We look forward to receiving your formal acknowledgement of this application. Should you require any further information or wish to discuss it before the Certificate is issued, please do not hesitate to contact XUL Architecture.