

Twelve forty one

22 Frognal, London, NW3 6AG

Planning Statement | London Borough of Camden | December 2025

Certificate of Lawfulness (Proposed) for the Amalgamation of
Two Residential Units into a Single Dwelling.

Planning Statement

18 December 2025

22 Frognal, London NW3 6AG

Certificate of Lawfulness under Section 55 of the Town and Country Planning Act 1990: Flats 1-2, 22 Frognal, London, NW3 6AG

1.0 Introduction

This planning statement accompanies an application for a Certificate of Lawfulness for a Proposed Use or Development pursuant to Section 192 of the Town and Country Planning Act 1990 ('the Act') at 22 Frognal, London, NW3.

The application seeks confirmation from the London Borough of Camden ('the Council') that the proposed amalgamation of the lower ground floor flat and upper ground floor flat into a single residential dwelling does not constitute 'development' within the meaning of Section 55 of the Act and therefore does not require planning permission.

2.0 Site Description and Context

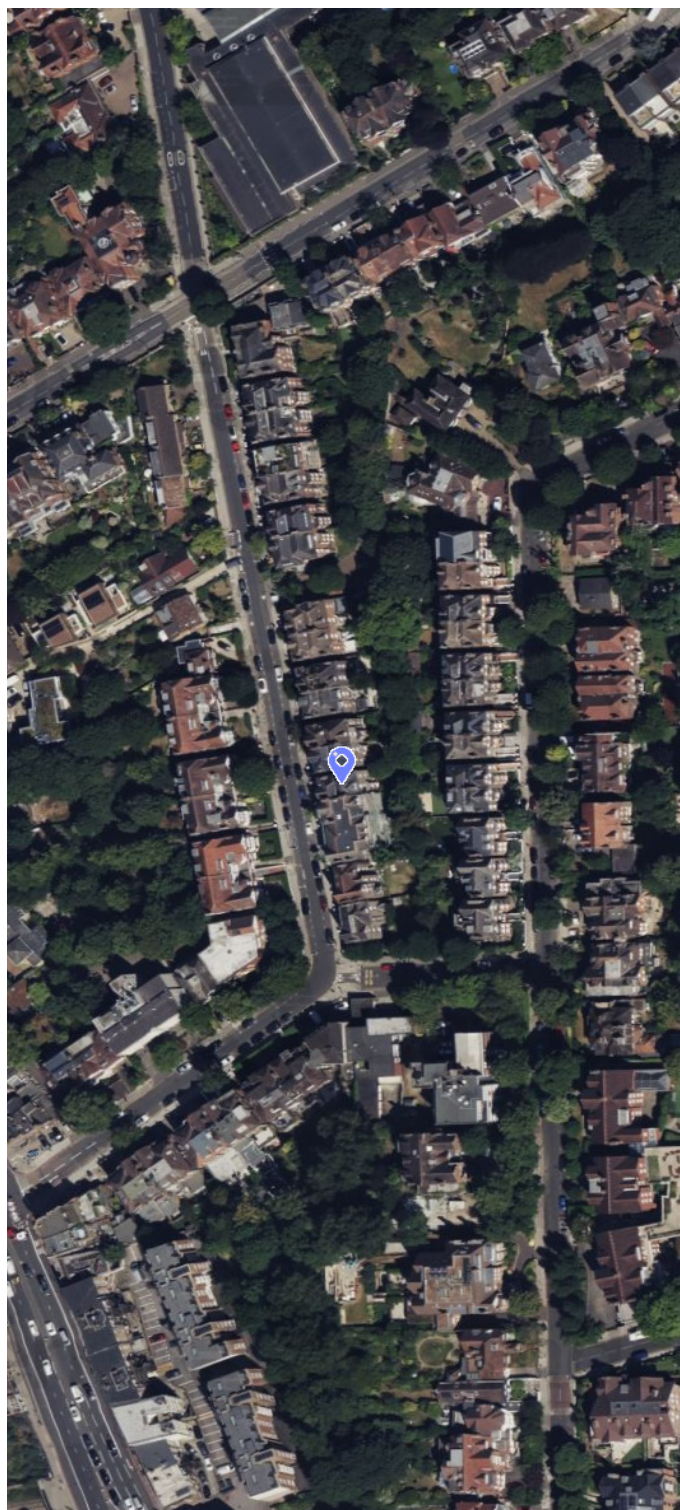
22 Frognal is located on the south east side of Frognal in the London Borough of Camden.

The property forms part of a semi-detached house that was originally built as a single dwelling, and currently comprises five separate self-contained residential units across five floors.

This application relates specifically to the amalgamation of the lower ground floor flat and upper ground floor flat.

The property is situated within the Redington and Frognal Conservation Area, specifically at its southern edge.

The property itself is not statutorily or locally listed. The surrounding area is predominantly residential in character, with properties of similar architectural style and period.



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3.0 Planning History

There is no relevant planning history pertaining to the application site that affects this proposal.

4.0 Proposed Development

The proposal seeks to amalgamate the existing lower ground floor flat and upper ground floor flat to create a single family-sized dwelling (Use Class C3). Following the amalgamation, the building will contain four self-contained residential units rather than the existing five.

The works required to facilitate this amalgamation involve internal alterations only, including:

[Specify works - e.g., removal of partition walls, creation of internal staircase connection, removal of kitchen from one unit, etc.]

No external alterations are proposed. The building will appear entirely unchanged from the exterior, and there will therefore be no impact on the character or appearance of the Redington and Frognal Conservation Area or the streetscene.

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5.0 Assessment of Lawfulness

5.1 Legislative Framework

Section 55(1) of the Town and Country Planning Act 1990 ('the Act') defines development 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."

Section 55(2) of the Act states:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:

- (a) the carrying out for the maintenance, improvement or other alteration of any building or works which—
 - (i) affect only the interior of the building; or
 - (ii) do not materially affect the external appearance of the building."

Section 55(3) of the Act states, for the avoidance of doubt:

"(a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used."

Critically, the Act does not state that the amalgamation of two separate dwellings to form a single dwelling constitutes development.

5.2 Assessment of Material Change of Use

The question to be determined is whether the proposed amalgamation constitutes a material change of use requiring planning permission.

Case law has established that when considering whether there is a change of use, the character of the use of the land must be considered and whether any change is material (East Barnet UDC v British Transport Commission [1962]).

In this case:

Both existing units are in residential use (Use Class C3)

The proposed amalgamated unit will remain in residential use (Use Class C3)

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- There will be no change in the character of the use of the land.
- The works affect only the interior of the building
- There are no external alterations proposed
- The building will continue to appear as it does currently
- There will be no impact on the character or appearance of the Conservation Area
- The de-intensification from five to four residential units will have no material impact on neighbouring amenity, environment, character or infrastructure

Therefore, there is no material change in the character of the use, and the proposal does not constitute development as defined by Section 55(1) of the Act.

This position is supported by the Planning Inspector's decision in appeal reference APP/X5210/X/17/3172201 (2-3 Wildwood Grove, Camden, determined 15 January 2018), where it was concluded that the amalgamation of two dwellings into one would not constitute a material change of use and therefore would not constitute development.

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6.0 Established Precedent in Camden

The London Borough of Camden has consistently granted Certificates of Lawfulness for similar amalgamation proposals, demonstrating a clear and established position that such proposals do not constitute development. Recent examples include:

Application Reference	Address	Description	Decision & Date
2025/2408/P	50 Willoughby Road, NW3 1RU	Amalgamation of two flats into a single dwellinghouse (Class C3)	Granted 06/08/2025
2025/1075/P	12 South Villas, NW1 9BS	Amalgamation of two separate residential units into a single dwellinghouse	Granted 07/04/2025
2025/0723/P	40 & 40A King Henry's Road, NW3 3JJ	Amalgamation of two separate residential units into a single dwellinghouse	Granted 16/03/2025
2024/5575/P	1 & 1A Branch Hill, NW3 7LT	Amalgamation of lower ground floor flat and upper maisonette into a single dwelling unit (Class C3)	Granted 05/03/2025
2024/5047/P	Flats 3 and 4, 38 Fitzjohn's Avenue, NW3 5NB	Amalgamation of 2 residential units at 1st and 2nd floor levels into a single dwelling unit (Class C3) - within a building containing five flats	Granted December 2024
2024/4461/P	21 Arkwright Road, NW3 6AA	Amalgamation of two self-contained flats into one single dwellinghouse (Class C3)	Granted October 2024
2024/3482/P	Flats 3 and 7, South Hill Mansions, 68-70 South Hill Park, NW3 2SL	Amalgamation of 2 residential units at 1st floor level into a single self-contained unit (Class C3)	Granted September 2024

In each of these cases, the Council confirmed that the amalgamation of two residential units into one does not fall within the meaning of 'development' requiring planning permission, in accordance with Section 55 of the Town and Country Planning Act 1990.

It is particularly noteworthy that:

- Application reference 2024/5047/P at 38 Fitzjohn's Avenue was granted within the same Redington and Frognal Conservation Area, demonstrating that the Council accepts such proposals within this conservation area context
- Application reference 2024/5047/P also involved a building containing five flats (the same as the current proposal), with the amalgamation reducing this to four flats - directly comparable to the present application

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7.0 Conclusion

For the reasons set out above, it is respectfully submitted that the proposed amalgamation of the lower ground floor flat and upper ground floor flat at 22 Frognal into a single dwelling does not constitute development as defined by Section 55 of the Town and Country Planning Act 1990.

Specifically:

- The works affect only the interior of the building
- No external alterations are proposed
- There will be no impact on the character or appearance of the Redington and Frognal Conservation Area
- There is no material change in the character of the use of the land
- The use remains residential (Use Class C3) throughout
- The proposal results in the loss of only one residential unit
- The proposal accords with the approach taken in Policy H3 of the Camden Local Plan
- There is extensive and consistent precedent within Camden for such proposals being granted Certificates of Lawfulness, including within the same conservation area and in buildings with the same number of existing units

It is therefore respectfully requested that a Certificate of Lawfulness (Proposed) be issued confirming that planning permission is not required for the proposed amalgamation.

We trust that the above provides sufficient information for the determination of this application. Should you require any additional information or clarification, please do not hesitate to contact us.