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HEAL
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PLANNING STATEMENT

SITE: 62 Falkland Road London NW5 2XA

APPLICANT: Riadh and Nadia Ziri

APPLICATION DESCRIPTION: Change of use from a House in Multiple Occupation (Sui Generis) into a single dwellinghouse (Retrospective)

1. Application Description

This is an application for a change of use to allow 62 Falkland Road, London NW5 2XA to be used as a single dwellinghouse to accommodate the Applicants and their family (four children).

The Applicants purchased the property on the 30th June 2021

The Property has not been in use as a House in Multiple Occupation (HMO) since 30th September 2021 – there were only three tenants in situ when the Applicants completed their purchase.

The Property has not been licensed as an HMO since 30th June 2021 when the Applicants contacted the Licensing Department at Camden and advised it that the use as an HMO had ended and the property was to be used a single dwelling.

There were no more than 6 unrelated people in the ten years prior to the Applicants purchase. The previous owner confirmed that this. Tenancy Agreements have been provided with a previous application from 2012 showing a maximum of six individuals in occupation. The previous HMO licence stipulated that a maximum of five persons can live in the property in its current state. Under the Environmental Health Licensing Requirements at the time, 5 of the bedsits in their current form were unsuitable for occupation. The use as an HMO was not considered commercially viable due to the works involved to make these rooms and the communal areas safe and habitable.

Including with this statement will be a summary of information from a former tenant of the property who resided there from 2005 which gives further information about the number of tenants in situ from 2011 being no more than six unrelated individuals.

An amendment in April 2010 to the General Permitted Development Order gave permitted development rights for change of use from C4 (HMO's) thereby allowing a change of use from a small scale house in multiple occupation to a dwellinghouse without the need for planning permission. Due to the number of individuals previously in occupation (6) within the dwelling, the HMO Licence only permitting 5 tenants and only 3 tenants in situ at the time the purchase was completed, it was believed by the Applicants that the property fell into this category for permitted development – change of use where it was possible to move between Use Class C3 and C4 and in reverse without planning permission.

The Property is now a six bedroom family dwelling occupied by the Applicants and their four children

The property has subsequently been extended with the kitchen and rooms adapted for one family. [REDACTED]

From 2012 the property has been listed as a single property in respect of the payment of Council Tax so there will be no reduced revenue in this regard.

The property retains one parking permit for a single dwelling and has a ground anchor for cycle storage in the front garden.

2. The Site

Below is a plan showing the location of the property edged in red



3. Relevant Planning History

2021/5802/P - Erection of a full width single storey extension **Granted 28/06/2022**

2014/2189/P – Lawful Development Certificate for the use of the first, second and third floors as 6 x 1 Bed Bedsits **Refused 23/06/2014**

2008/2960/P - Change of use and works to convert a House in Multiple Occupation (Sui Generis) containing 9 bedsit rooms into a single dwellinghouse (Class C3). **Refused 10/9/2008**

8701192: Conversion from two non self-contained units to two 1-bedroom flats and two bedsits as shown on drawing nos.62FR/160/01-08 (inclusive). **Granted 07/01/1988.**

8802480: Change of use from residential dwelling house to provide hostel accommodation. **Granted 02/11/1988.**

8802526: Change of use from two maisonettes to seven person shared house and erection of a rear conservatory extension and extension to rear roof to accommodate additional toilet facilities as shown on drawing No.s 62 FR/160/14-25 (inclusive). **Granted 08/12/1988.**

An extract of the planning officers report in respect of the application in 2008 for a change of use application to convert the property into a single dwelling house stating the following as regards the permission in 1988:

It would appear that none of these permissions was implemented in full and no extensions took place the property is currently in use as a HMO.

The HMO licence granted at the time stipulated that a maximum of five persons can live in the property in its current state. 5 of the rooms were unsuitable for occupation.

3. Proposed Changes

There are no further proposed works to the property.

The Application is for a change of use to allow the Applicants to remain in lawful occupation of their property and to continue to use the same as their family home.

4. Planning Considerations

An article on Camden website dated 5th December 2022 states that Camden is set to take urgent action to reduce overcrowding as Cabinet asked to agree £130M investment in family homes.

“The programme will provide more than 100 Camden families living in severely crowded conditions with a suitable home and make hundreds of additional bed spaces available to residents on the council’s housing register. Where possible, the council will also convert properties to larger four, five, or six bed homes”

“In Camden we believe in council housing - this approach is about investing in our residents now and also in the future of our council housing stock for this and the next generation. We want all children in Camden to have the very best start in life, and homes that have enough space for them to grow and thrive are fundamental for their health, education and development.

We appreciate that the article deals with social housing however, family housing at all levels is required within the borough whether social or private.

It has been noted that planning permission for the conversion of an HMO under permitted development rights was granted for a property in the immediate vicinity of this property in 2018 (2018/0695/P) at 90 Leverton Street. Many of the same considerations can be given to this application in that although this property is larger than the one at Leverton Street there were still no more than 6 unrelated individuals residing there with only 3 in occupation at the time of the Applicant’s acquisition of the property.

A search of the HMO Licence register has revealed 24 licences for HMO’s in the immediate vicinity of the property showing that there is still a large stock of this type of accommodation in the area. Of course, there may also been other HMO’s that do not have or require a licence.

Below is an extract taken from the Kentish Town Conservation Area Appraisal and Management Strategy adopted on 11th March 2011:-

Kentish Town Conservation Area Appraisal and Management Strategy Adopted 11 March 2011

Buildings that make a positive contribution (Falkland Road.) These buildings have a positive effect on the environment and could be a single building, group or landmark. These relate to the historic origins of Kentish Town; there may be scope for improvement of details or condition of the buildings. The Council will resist demolition.

Sub-division of houses:

The intensive sub - division of houses that were originally constructed for single family occupation can have significant detrimental impact on the appearance of the Conservation Area through external alterations, extensions and possible demand for additional car parking spaces.

The reversion of the property back into a single family dwelling would be a return to the principal, historical use of the property and therefore favourable in a Conservation Area.

The London Plan 2021

Sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital.

London Plan 2021 - Policy H10 Housing size mix

Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:

1) robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment

2) the requirement to deliver mixed and inclusive neighbourhoods

3) the need to deliver a range of unit types at different price points across London

4) the mix of uses in the scheme

5) the range of tenures in the scheme

The policy direction is for a mix of dwellings. It is easier to support this proposal for a family home than seek to provide a similar sized family home on a green field site. In fact by supporting this scheme it reduces the requirement to find such a site which is a planning gain for the Council.

GG4 Delivering the homes Londoners need

To create a housing market that works better for all Londoners, those involved in planning and development must:

- A ensure that more homes are delivered
- B support the delivery of the strategic target of 50 per cent of all new homes being genuinely affordable
- C create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing
- D identify and allocate a range of sites to deliver housing locally, supporting skilled precision-manufacturing that can increase the rate of building, and planning for all necessary supporting infrastructure from the outset
- E establish ambitious and achievable build-out rates at the planning stage, incentivising build-out milestones to help ensure that homes are built quickly and to reduce the likelihood of permissions being sought to sell land on at a higher value.

It will be noted that under para. C the quality home proposed here to meet the identified need in the emerging local plan data and the proposal meets not just the need in the data requirements but also the specific need of the Applicant in this case. The policy is therefore complied with.

Camden Local Plan 2017 - Relevant extracts/commentary in bold.

Policy H1 Maximising housing supply

The Council will aim to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,800 additional homes from 2016/17 - 2030/31, including 11,130 additional self-contained homes. We will seek to exceed the target for additional homes, particularly self contained homes by:

- a. regarding self-contained housing as the priority land-use of the Local Plan;
- b. working to return vacant homes to use and ensure that new homes are occupied;
- c. resisting alternative development of sites identified for housing or self-contained housing through a current planning permission or a development plan document unless it is shown that the site is no longer developable for housing; and
- d. where sites are underused or vacant, expecting the maximum reasonable provision of housing that is compatible with any other uses needed on the site.

We will monitor the delivery of additional housing against the housing target, and will seek to maintain supply at the rate necessary to exceed the target. In seeking to maintain the housing supply, **the Council will adjust the type and mix of housing sought, having regard to the financial viability of development, the sales or capital value of different house types and tenures, and the needs of different groups.**

Policy H3 Protecting Existing Homes (Extract)

Policy H3 seeks to protect all housing floorspace where people live long-term. It also seeks to protect individual self-contained houses and flats (in Use Class C3) **this property is now in use by a family under Use Class C3 and has been now for over two years. The Applicants seek to remain in situ in the property as a family dwelling.**

Policy H6 Housing choice and mix

The Council will aim to minimise social polarisation and create mixed, inclusive and sustainable communities by seeking high quality accessible homes and by seeking a variety of housing suitable for Camden's existing and future households, **having regard to household type, size, income and any particular housing needs.** We will seek to secure high quality accessible homes in all developments that include housing. We will:

- a. encourage design of all housing to provide functional, adaptable and accessible spaces;
- b. expect all self-contained homes to meet the nationally described space standard;
- c. require 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2); and
- d. require 10% of new-build self-contained homes in each development to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3). We will seek to secure a variety of housing suitable for existing and future households overall across development in the borough. When considering future site allocations and negotiating the types of housing included in each development, we will:
 - e. seek a diverse range of housing products in the market and affordable sectors to meet the needs across the spectrum of household incomes;
 - f. promote Starter Homes in accordance with government requirements;
 - g. support the development of private rented homes where this will assist the creation of mixed, inclusive and sustainable communities;
 - h. **seek provision suitable for families with children** older people, people with disabilities, service families, people wishing to build their own homes and Camden's traveller community; and
 - i. **require a range of dwelling sizes in accordance with Policy H7 Large and small homes.**

Where housing is proposed as part of development with a site area of 0.5 ha or greater, we will expect the development to make provision for particular housing needs. For such sites, the Council will particularly seek to address the need for serviced plots available to people wishing to build their own homes but may also support the inclusion of housing for older people or vulnerable people, student housing, or other housing with shared facilities. In considering the scale and nature of provision for particular housing needs that would be appropriate, the Council will take into account:

- j. criteria in Policies H8, H9, and H10 where applicable;
- k. the character of the development, the site and the area;
- l. site size, and any constraints on developing the site for a mix of housing including provision for particular housing needs;
- m. the impact on creation of mixed, inclusive and sustainable communities
- n. the impact of provision for particular housing needs on the efficiency and overall quantum of development;
- o. the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as build-to-let housing; and
- p. whether an alternative approach could better meet the objectives of this policy and the Local Plan.

Policy H7 Large and small homes

The Council will aim to secure a range of homes of different sizes that will contribute to creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply.

We will seek to ensure that all housing development, including conversion of existing homes and non-residential properties:

- a. contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and
- b. **includes a mix of large and small homes.**

When considering the proportion of large homes appropriate within a specific development, we will take account of any features that make the development particularly suitable for families with children.

In the past there has been no objection to the property reverting to a family home and as we understand matters this is still the case.

There still remains HMO housing stock in the local area to accommodate the needs of individuals requiring this type of accommodation.

Many of the houses in Falklands Road have been subdivided into Flats and it would appear that there is a shortage of family homes in the area due to this. The use of the property as a family home is in line with Policy H6

Policy H10 Housing with Shared Facilities

This is a blanket measure which needs to be examined on the merits of the actual situation. The conclusion is that this property is no longer set up as an HMO. The Applicants purchased it as a family home and reside there accordingly which has been the case for over two years. The level of costs of alterations to the house is not sustainable and would make the current owners homeless with no financial means to be able to find alternative accommodation.

5. National Planning Policy Framework (NPPF) 2021

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. The policies set out in this framework apply to the preparation of local and neighbourhood plans and to decisions on planning applications.

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Relevant parts of the NPPF are detailed below:

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

By allowing this property to return to a family dwelling the above objectives are met for supporting growth, a sufficient range of homes in the community and preserving a property within a conservation area making effective use of what is already in situ.

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects; **The use of the property as a single dwelling is a sustainable use. There will be no environmental issues in respect of this use.**
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.: **By allowing the use of the property as a single dwelling the needs of the Applicants and future families will be met. The Applicants children are in school in the local area and the Applicants mainly work from home.**

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The proposal accords with 11c in that it accords with local policies for the protection of existing homes, housing choice and mix and Large and small homes.

Deliver a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, **families with children**, older people, students, people with disabilities, service families, travellers²⁷, people who rent their homes and people wishing to commission or build their own homes²⁸).

This proposal is providing suitable family-sized accommodation and the proposed reversion to a single family dwelling would not result in loss or diminishment of floorspace, there would be no loss of mix of housing stock, and an additional family unit would be added to the Borough's existing housing stock, thereby addressing the clear need for suitable family accommodation in the Borough. This is a positive change responding to a need to have a mix of accommodation to satisfy the needs that exist namely larger accommodation to

accommodate families. This also accords with Paras 61 and 62 of the NPPF in meeting local needs that exist.

Achieving well designed places

126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

6. Conclusions

In this application we are dealing with changes in dwelling types to meet the actual needs that exist. This is the purpose of the planning system. It has to be flexible.

The property is now a family home for parents with four children at local schools. The Applicants appreciate that the Council need to retain low cost housing in the area however, the property is now their home and it not a reasonable or a sustainable solution to revert the use to a HMO which would render them homeless and without financial resources to revert the property and live elsewhere.

There is a ongoing demand and need for family housing in London in all relevant price brackets. There is a good supply of HMO accommodation already in the local area providing a mix of accommodation in the Borough and the change of this property to a family dwelling which is reverting it to that which it was built as it wholly appropriate in providing that mix and in planning terms such that it is safe to approve the application.

In conclusion we feel that ratifying the property's use as a single dwelling house would be a return to the principal, historical use of the property and therefore favourable in a conservation area.

Recommendation

The Council is respectfully requested to approve this application.

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