

London Borough of Camden
Planning Department
5 Pancras Square
London
N1C 4AG

30 January 2024

Dear Sir/Madam,

85 HEATH STREET AND 6 GOLDEN YARD, HAMPSTEAD LONDON NW3 6UG

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AND THE TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 APPLICATION FOR PLANNING AND LISTED BUILDING CONSENT

On behalf of our client, Mr G Moran (the Applicant), we hereby submit this application for planning permission and listed building consent for the following works to 85 heath Street and 6 Golden yard:

Application for the change of use of the part ground floor and first floor from ancillary retail/administrative office (Class E) to create a residential dwelling (Class C3) accessed from Golden Yard; the demolition and replacement of the existing rear extensions; associated internal and external refurbishment works; the creation of a bin and bike store and a separate lock up retail (Class E) unit at ground floor fronting Heath Street; as well as other ancillary works.

The proposals seek to refurbish the existing building to bring it back into active residential use. The approach to the refurbishment and partial extension to the properties has been based on thorough historical research and understanding of the significance of the heritage asset involved. The proposals provide a balance between preservation and change. The heritage asset has benefited from a bespoke solution that provides a balance in favour of protecting and securing the asset for the future.

Application Documents

This application has been submitted via the Planning Portal (PP-12767447) and comprises the following information:

- Duley signed and dated application form.
- CIL form.
- Drawings:
 - Site location plan (drawing no. 1955-NMA-00-XX-SK-B-00001)
 - Existing Plans (drawing no. 1955-NMA-00-ZZ-SK-B-00100 rev P4)

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- Existing Elevations (drawing no. 1955-NMA-00-ZZ-SK-B-00200 rev P4)
- Existing & Proposed Sections (drawing no. 1955-NMA-00-ZZ-SK-A-00300 rev P8)
- Proposed Plans (drawing no. 1955-NMA-00-ZZ-SK-A-00100 rev P9)
- Proposed Elevations (drawing no. 1955-NMA-00-ZZ-SK-A-00200 rev P8)
- Proposed Perspectives (drawing no. 1955-NMA-00-ZZ-SK-A-00700 rev P8)
- Demolition Plans (drawing no. 1955-NMA-00-ZZ-SK-D-00100 rev P7)
- Context Analysis (drawing no. 1955-NMA-XX-XX-PH-A-00001 rev P8)
- Heritage Statement (including a photographic record), dated January 2024, prepared by Roger Mears Architects.

The requisite planning and admin fees of £578 + £64 have been paid online via the Planning Portal. The remainder of this statement sets out our supporting statement regarding the proposals.

The Site

The site is located within the administrative boundary of the London Borough of Camden ('LB Camden'), bound by Heath Street and Golden Yard which is located within Hampstead. The building is Grade II listed and is located within the Hampstead Conservation Area, although it is not mentioned specifically in the Conservation Area Appraisal. The property is currently used in its entirety as a commercial unit under Class E of the Town and Country Planning (Use Classes) Order.

The applicant and owner of the property currently runs their business (an interior design studio) from the site and is looking to downsize. The proposals seek to convert part of the property back to its original residential use with a smaller commercial unit fronting onto Heath Street, to accommodate the existing business. The residential dwelling will be accessed from Golden Yard, as per its original use and the neighboring residential dwellings. This will allow the owner to remain in their current location until such time as they wish to close the company. At which time, the commercial unit can then be re-let to another business and operate as such in isolation.

List description: Terraced house with later shop. c1800 front to probably C18 house. Painted brick with weatherboarded gable to right hand return. Tiled roof. 2 storeys 2 windows. C20 Regency style shopfront. Gauged brick flat arches to C20 flush frame sashes with exposed boxing and louvred shutters. Parapet.

Planning History

The site benefits from a mixed and varied planning history which can be found in appendix 1 of this letter. A summary of the relevant planning history is noted below:

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- 9100909 and 9170154 – Erection of a two storey octagonal extension to the rear elevation. Planning permission and listed building consent granted 26/03/1992.
- 9005695 and 9070932 – Retention of a rear two storey extension with proposed reduction to size of extension at first floor level. Planning permission and listed building consent refused 28/05/1991.
- 8804340 and 8870613 – Retention of an extension to the retail shop at ground level in the form of a conservatory enclosing a rear garden as shown on un-numbered plans. Planning permission and listed building consent refused 19/10/1989; appeal dismissed 18/10/1990

Pre-application Meetings

A pre-application meeting request was submitted to LB Camden in June 2023 and assigned to Charlotte Meynell as the case officer. A site visit was undertaken in July 2023 and a formal response issued in November 2023.

The key comments to address from the pre-application response is provided below:

1. Issues were raised over the size of the retained retail unit at 18 sqm (205 sqft) and the lack of any storage or staff amenity space.
2. Concerns over the proposed installation of a new WC within the front part of the building at ground floor level due to the additional plumbing required.
3. The creation of a new second storey to create habitable living space in the roof would entail the complete loss of the roof slope, its base and roof joists which are considered unacceptable.
4. The removal of the non-listed chimneys in conservation areas is resisted.
5. Consideration should be given to joists and whether the insertion of a WC would have a detrimental impact.
6. The creation of a new internal staircase is likely to result in loss of historic fabric and harm to plan form.
7. Details of cycle provision will need to be provided.

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The scheme has been amended following the pre-application response in an attempt to address the comments received by LB Camden. The submitted application incorporates the following changes to address officer comments.

1. The retail unit has been increased slightly to reflect the full ground floor footprint of 85 Heath Street. The proposals now include a dedicated WC, kitchenette/store and is more reflective of the historic commercial layout, before both buildings were joined. The proposed size of the retail unit is not unviable and in fact adds to the offering within Hamstead. The retail market has evolved significantly over the last 4 years since covid, and it is important that high streets retain a mixed commercial offering in terms of use but also more importantly size. The proposals will offer a smaller commercial space which by virtue of its size will be affordable, catering for independent retailers or start-ups who require presence on the high street but do not have the floorspace requirements of larger stores. The existing tenant wishes to take this new unit in the scheme to operate his existing business.
2. We understand the Council's concern in this regard but for a retail unit to be commercially viable and practical then such facilities will need to be provided. This can however be implemented in a sensitive manner by locating the WC and kitchenette along the northern edge of the building to align with the existing ground floor WC and Kitchen, minimising any potential disruption to joists. The floor construction throughout the ground floor areas is of modern concrete, meaning that no historic fabric will be impacted through insertion of the WC. The plan form has been altered so that the WC has been relocated to the later part of the build behind the 'living room', enabling the original plan form of the 'humble all-purpose living room' to remain recognisable.
3. The roof extension has been removed from the proposals. The proposal now only seeks approval for a 2 bedroom home within the confines of the existing building.
4. No works are now proposed to the chimney.
5. A bathroom will be required, and this is the most sensible and sympathetic location given that it will stack above the existing WC and Kitchen at ground floor level. The floor and ceiling construction in this area is modern. Every effort will be made to ensure that plumbing works do not impact the existing floor structure or joist arrangement.
6. The new stair is in the existing location of the original stair which was removed. The existing stair handrail is available, and it is proposed that this will be incorporated into the new stair. The proposals are therefore seeking to reinstate the stair in its original location which will have significant heritage benefits.
7. The cycles will be stored adjacent to the existing bin store in Golden Yard as per the updated drawings.

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We believe that the proposed are entirely appropriate in principle and address the comments made by LB Camden. We hope that the benefits derived from converting the existing listed building back to its original intended residential use, and the creation of a residential home in the heart of Hampstead is considered a significant planning benefit and as such outweighs any perceived harm.

The Proposals

The proposals seek to sensitively refurbish and enhance the existing building by repairing elements of unsympathetic alterations which have occurred over time, such as the rear lean-to structure, internal fit out works from the commercial operation and the joining of 85 Heath Street and 6 Golden Yard buildings, altering the historic layout. The proposals also seek a change of use of part of the ground floor and upper floor of the building from commercial (Class E) to residential (Class C3), returning the building to its original use as a single dwelling home at 6 Golden Yard. The new 2 bedroom residential dwelling will be accessed from Golden Yard, which has always been a residential courtyard for the neighbouring residential dwellings.

The proposals seek to retain a commercial unit fronting onto Heath Street, to help retain the active frontage. This space can be used concurrently with the residential use of the main building or as a separate isolated unit.

Although some historic features survive, the building has been subject to considerable intervention and alteration over time. The proposals seek to reverse this wherever possible, with new well-considered interventions that are generally invisible from the public realm, and will give the building a new lease of life and bring it back into beneficial use, maintaining and enhancing its contribution to the local area.

Planning Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

This section of the note provides an overview of the relevant planning policy in the development plan and other material considerations including national policy and supplementary planning guidance. The proposals have been assessed in the context of this and other material considerations where appropriate.

The statutory development plan for the LB Camden, comprises:

- The London Plan (2021)
- London Borough of Camden Local Plan (2017)

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There are a number of other relevant adopted and emerging planning policy documents published nationally, regionally and by the Council that represent material considerations in determining this planning application, including:

- The National Planning Policy Framework (NPPF)
- The National Planning Policy Guidance (NPPG)
- London Borough of Camden Supplementary Planning Guidance
- Hampstead Neighbourhood Plan (2018)

The site is subject to the following site-specific planning policy designations as identified by the Council's adopted Policies Map:

- Hampstead Conservation Area
- Hampstead Secondary Frontage
- Hampstead Town Centre
- Hampstead Neighbourhood Plan
- Archaeology Priority Area

The National Planning Policy Framework ('NPPF') was updated on 19 December 2023 and sets out the Government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2019, July 2021 and revised in September 2023.

Planning Policy Assessment

This section assesses the Proposed Development against the Development Plan and other relevant Planning Policy at national and local level.

Land Use

Residential

Local Plan Policy H1 (Maximising Housing Supply) notes that 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 6,800 additional homes from 2016/17 – 2030/31, including 11,130 additional self contained homes. The policy notes that housing is a priority land use for the borough.

Paragraph 70 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the

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development of a good mix of sites local planning authorities should: (b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing; (d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

The proposals seek to sensitively refurbish the existing building, creating a new 2 bedroom 4 person residential dwelling in a central, accessible location. The proposals will result in the reinstatement of the original residential land use accessed from Golden Yard. The proposed residential use at ground and upper floor will not only help achieve the priority land use in this central location, but will also help to enhance and preserve the listed building for the future. For the reasons set out above, we believe that the proposed residential use is entirely appropriate in this location.

Loss of Retail (Class E)

Local Plan Policy E1 (Economic Development) states that the Council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. It goes on to note that it will ...(a) support businesses of all sizes, in particular start-ups, small and medium-sized enterprises; (b.) maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing resources....

The supporting text to the policy notes that ‘...In order to secure a strong and successful economy, the Council will support businesses of all sizes, particularly start-ups, small and medium-sized enterprises. Camden has a large proportion of small businesses, with 83% employing less than nine people and a further 14% employing between 10 and 49 employees. However, premises suitable for small businesses as well as medium sized enterprises are currently under pressure from rising land values, limited land availability and ‘permitted development’ rights which allow the change of use from offices (B1(a)) to housing (C3) without the need for planning permission and therefore without assessment against our planning policies.’

The supporting text to Local Plan Policy E2 (Employment Premises and Sites) identifies the potential for live/work premises and notes that it is recognised that combined live/work units can provide a valuable contribution to the range of business premises and may enable certain sites to remain in employment use. The Council will allow live/work developments where they do not result in the loss of sites that are suitable for continued business use or the loss of permanent housing.

The existing building is currently owned and operated by Moran Interiors for the past 35 years. The business is downsizing and as such does not require all of the existing floorspace. Instead, it is proposed to retain a smaller self-contained shop which fronts onto Heath Street. It is understood that the Applicant obtained agreement with LB Camden to use the upper floor of the building to an administrative function to help support

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the needs of the business, but it was required to be converted back to residential use once operation ceased. This application seeks to formalise the change and return the commercial function to ground floor.

The retail unit will help retain the active retail frontage along Heath Street whilst also being affordable by virtue of its size and flexibility, suitable for start-up / independent retails and small practices who only require limited space. This will enable the provision of a varied mix of retail offering on Heath Street and Hampstead, adding to the vibrancy and vitality of the centre. The retail market has evolved over the last 4 years as a result of covid and changing shopping habits. Therefore, it is important that the retail offer changes with it, and there is a variety of offerings in our town centres to ensure that independent and smaller occupiers can find a step on the retail ladder.

The retail unit has been designed so that it provides flexibility to respond to the market, as it can be used and operated in isolation, or in conjunction with the residential unit as a live/work unit.

Design & Access

Local Plan Policy D1 (Design) states that the Council will seek to secure high quality design in development. The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Hampstead Neighbourhood Plan Policy DH1 notes that development proposals should demonstrate how they respond and contribute positively to the distinctiveness and history of the character areas through their design and landscaping.

The proposals will exceed the National Space Standards (NSS) for a two bedroom, four person dwelling and would be self-contained with its own entrance. This is due to the constraints of the existing structure and its listed nature which limit layout configurations. All habitable rooms will have access to sufficient daylight and sunlight through existing or new windows (replacement of stairs with new windows to reflect the original design). The dwelling will be accessed from Golden Yard, which aligns with the adjacent residential properties. Given the constraints of the listed building, the unit has been designed to be as accessible as possible, but is unable to be fully wheelchair compliant / adoptable. Overall, it is considered that the proposals are of a high-quality design, given the constraints of the listed building and its context.

Heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') is the legislative basis for decision making when determining planning applications that relate to the historic environment.

Section 66 of the Act imposes a duty on local planning authorities when considering applications which affect a listed building or its setting to have 'special regard' to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses.

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Section 72 of the Act imposes a duty on local planning authorities when considering applications which affect buildings in conservation areas to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of the conservation area.

The legal tests in the Act are supplemented by the policy guidance in Chapter 16 of the NPPF. In determining applications, the NPPF requires local planning authorities to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 203 of the NPPF identifies the following criteria in relation to this:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposals on the significance of a designated heritage asset, paragraph 205 states that '...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Paragraph 206 of the NPPF states 'Any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings... should be exceptional and to assets of the highest significance (grade I and grade II* listed buildings...) should be wholly exceptional.

Paragraph 207 of the NPPF states 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss....'

Paragraph 208 of the NPPF states 'Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Paragraph 212 of the NPPF states: "Local planning authorities should look for opportunities for new development within Conservation Areas... and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Local Plan Policy D2 (Heritage) outlines that in order to maintain the character of Camden's Conservation Areas the Council will not permit development that causes harm to the character and appearance of that

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conservation area. The approach taken meets the requirements of this policy, by enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness.

Hampstead Neighbourhood Plan Policy DH2 (Conservation Areas and Listed Buildings) notes that new development should take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas.

The approach to the refurbishment and partial rear extension to the property, has been based on thorough historical research and understanding of the significance of the heritage assets involved. The proposals provide a balance between preservation and change. The proposals have been informed by the accompanying Heritage Statement prepared by Roger Mears Architects which fully assesses the proposals. However, a summary of the heritage and design impacts are provided below.

The proposals will return the rear property (6 Golden Yard) back to a residential dwelling, reflective of the adjacent properties and character of the Yard, improve its setting, and enhancing the character and appearance of the Hampstead Conservation Area. It will rectify the internal and external character of the property that has arisen as a result of unsympathetic alteration, change of use, repair, interventions and vacancy over time.

The location of WCs/bathrooms and kitchens, which are fundamental, whether it is a commercial or residential use have been located, where possible, in areas of existing plumbing to minimise any potential impact on below ground features, such as joists.

The stair has been reinstated back to its original location, using the existing opening and handrail. This will further enhance the asset by re-instating an existing layout/form of the property. This has been worked into the layout of the proposals as we believe it to be a significant benefit of the scheme, despite the impact it has on the residential layout.

The proposals do not seek to extend or make any external alterations to the property, other than the removal and replacement of the existing two storey lean-to structure which will be replaced with a smaller, more sympathetic ground floor extension and windows. This will be a significant benefit to the scheme and the heritage asset, making it more in keeping with the existing building, particularly when viewed from Golden Yard. This will also expose the original steps which is a welcomed addition.

The proposals do not result in an adverse impact on the character, fabric or identity of heritage asset or its settings. The proposals are appropriate in terms of design, scale, form, detailing and materials in the local context and are carefully conceived to work within the constraints of the original building, enhancing and improving latter additions. Overall, the proposals would result in the sensitive heritage focussed refurbishment and enhancement of the heritage asset in accordance with the policy context. The proposals will enable the preservation of the Grade II listed building whilst allowing the asset to be enjoyed, used and maintained for the future.

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Transport

Local Plan Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. The policy seeks to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan.

The proposals will include the provision of 2 cycle spaces and a bin store located at the rear of the property within Golden Yard, reflective of the existing condition. The proposals will also be car free.

Conclusions

DARA have been appointed to submit a full planning and listed building consent application for:

Application for the change of use of the part ground floor and first floor from ancillary retail/administrative office (Class E) to create a residential dwelling (Class C3) accessed from Golden Yard; the demolition and replacement of the existing rear extensions; associated internal and external refurbishment works; the creation of a bin and bike store and a separate lock up retail (Class E) unit at ground floor fronting Heath Street; as well as other ancillary works.

The architect's brief is to carefully refurbish and to enhance the existing building to create a new residential dwelling whilst retaining a commercial unit at ground floor, which respects the surrounding vernacular, whilst being sympathetic to the building's heritage and listed status. The proposals are influenced by the buildings heritage but with a design that will enhance the character of the existing building and surrounding area.

The proposals will seek to enhance the character and appearance of the Hampstead Conservation Area and the setting of nearby listed buildings. The proposals will enhance and secure the future of the listed building, bringing it back into a viable use which can contribute to the local and borough economy.

In summary, the proposals accord with planning policy at the national, regional and local levels. The refurbishment of the property would contribute towards the delivery of a number of policy objectives at all levels which will benefit the site and the surrounding area including the objectives of the Development Plan.

For the above reasons, and those set out in this statement, we believe planning permission and listed building consent should be granted without delay. We trust the information enclosed is sufficient to enable the application to be validated and determined within the statutory 56-day period, and we look forward to receiving confirmation of this shortly. If however, you require any further information then please do not hesitate to contact me directly.

Yours faithfully,

DARA

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Appendix 1: Planning History

<i>Application Number</i>	<i>Site Address</i>	<i>Development Description</i>	<i>Status</i>	<i>Date Registered</i>	<i>Decision</i>
<u>9100909</u>	85 Heath Street/6 Golden Yard NW3	Erection of a two storey octagonal extension to the rear elevation. as shown on drawing numbers 695/10A 11A and 12A	FINAL DECISION	09-08-1991	Grant Full or Outline Perm. with Condit.
<u>9170154</u>	85 Heath Street/6 Golden Yard NW3	Demolition of the existing rear extension and part of the rear boundary wall to Golden Yard and the erection of a two storey octagonal extension to the rear elevation and the erection of a boundary wall to Golden Yard. as shown on drawing numbers 695/10A 11A and 12A.	FINAL DECISION	09-08-1991	Grant List.Build. or Cons.Area Consent
<u>9070932</u>	85 Heath Street NW3	Retention of a rear two storey extension with proposed reduction to size of extension at first floor level as shown on drawing nos. 659/1 2 3 4 5 and 6. Appeal received against refusal of permission.	APPEAL DECIDED	19-11-1990	Refuse List.Build. or Cons Area Consent
<u>9005695</u>	85 Heath Street NW3	Retention of a rear two storey extension with proposed reduction to size of extension at first floor level as shown on drawing nos. 695/1 2 3 4 5 and 6. Appeal received against refusal of permission.	APPEAL DECIDED	19-11-1990	Refuse Full or Outline Permission
<u>8804340</u>	85 Heath Street/6 Golden Yard NW3	Retention of an extension to the retail shop at ground level in the form of a conservatory enclosing a rear garden as shown on un-numbered plans. Appeal received against Councils Decision.	APPEAL DECIDED	22-08-1988	Refuse Full or Outline Permission
<u>8870613</u>	85 Heath Street NW3	Retention of an extension to the retail shop at ground level in the form of a conservatory enclosing a rear yard as shown on un-numbered plans.	FINAL DECISION	22-08-1988	Refuse List.Build. or Cons Area Consent