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Via Planning Portal only

20th March 2024

Dear Sir/Madam

33 FERNCROFT AVENUE, NW3 7PG

PLANNING & LISTED BUILDING CONSENT APPLICATION UNDER THE TOWN & COUNTRY PLANNING ACT 1990 AND PLANNING (LISTED BUILDING & CONSERVATION AREAS) ACT 1990.

AMALGAMATION OF FOUR RESIDENTIAL UNITS TO A SINGLE DWELLING AND INTERNAL AND EXTERNAL ALTERATIONS.

Please accept this covering letter as an accompaniment to this Planning and Listed Building Consent application for proposed amalgamation of four residential units to a single dwelling and internal and external alterations to 33 Ferncroft Avenue, NW3 7PG ('the site'). This letter provides a summary of the site and the proposed development.

Please find also enclosed a completed application form, a full set of existing and proposed plans, a Design & Access Statement and a Heritage Statement.

The Site

The site is located on the south side of Ferncroft Avenue and shares its rear boundary with West Heath Lawn Tennis Club. The site is within Redington/Frogna Conservation Area and the Redington and Frogna Neighbourhood Plan Area.

The application property is a grade II listed building, which is part of a semi-detached pair (33 & 35 Ferncroft) built in 1902 to the designs of CHB Quennell. The semi-detached pair form

part of a wider group of houses within the conservation area of a similar style, by CHB Quennel and other leading architects of late C19.

The application building is subdivided into four flats and a number of internal and external elements of the building in a poor state of repair.

The Proposal

This application seeks planning permission and listed building consent for the amalgamation of four residential units to a single dwelling and various internal and external alterations to the property.

The proposed external alterations include the replacement of existing windows on the side and rear elevations, enlarging and alteration of existing rear and side dormers at roof level, replacement of balustrades and doors to the rear balconies, removal of projecting pelmet on the rear elevation, removal of concrete lintels and replacement with brick arches on the rear elevation, removal of render to rear elevation at lower ground level and reinstatement of brickwork.

The proposed internal alterations include the reconfiguration of the lower ground, upper ground, first and second floor layout, removal of non-original partitions and staircase, removal of false ceilings, relocation, creation and adjustment to door openings, replacement skirtings, replacement of coffered ceilings with cornices and internal decoration throughout walls and ceilings.

The proposed internal and external alterations have already been granted planning permission and listed building consent, under refs 2023/2904/P & 2023/3741/L (external, granted 12 February 2024) and 2023/2898/L (internal, granted 6 February 2024). However, in the absence of a permission for the change of use of 33 Ferncroft Avenue to a single-family dwelling, the extant planning permissions and listed building consents could not be practically implemented, as it is inherent in these proposals that the property would cease to be subdivided into four separate residential units, and instead would become a single-family dwelling.

For the avoidance of doubt, no further internal or external alterations are proposed other than those approved under the above applications.

For full details of the proposed development please refer to the supporting Design & Access Statement, Heritage Statement and the submitted plan drawings.

Planning History

Application site:

On the 24th of July 1969, planning permission was approved (ref: 7290) for the conversion of dwelling house into five self-contained flats. Construction of dormer window to side elevation and formation of additional window openings in flank wall.

On the 2nd of September 1970, planning permission was approved (ref: 9266) for the conversion of a dwelling house into 4 self-contained flats and one self-contained maisonette, the formation of one window opening in the flank wall at ground floor level and the construction of a terrace at the rear of the second floor, The conversion providing eleven habitable rooms.

On the 7th of May 1973, planning permission was refused (ref: 16417) for the construction of an open terrace at 1st floor level on the roof of the ground floor bay window at the rear of No. 33.

On the 20th of December 1973, planning permission was granted (ref: 17815) for the construction of a partly screened terrace at first floor level on the roof of the ground floor bay window at the rear of 33.

On the 16th of June 1981, planning permission was granted (ref: 32335) for the conversion of existing basement into additional habitable room for ground floor flat.

On the 20th of June 2005, listed building consent was granted (ref: 2005/1739/L) for the internal alterations involving the demolition of existing walls, formation of new openings and walls in association with the re-configuring of internal layout to existing first floor flat.

On the 11th of February 2010, planning permission was granted (ref: 2010/0087/P) for the change of use from two self-contained flats (Class C3) at lower ground and ground floor levels into a single flat including extension at basement level.

On the 11th of February 2010, listed building consent was granted (ref: 2010/0092/L) for the internal alterations and works including extension at basement level as part of conversion from two flats at ground and lower ground levels to single flat.

On the 6th February 2024, listed building consent was granted (ref: 2023/2898/L) for internal alterations including the reconfiguration of the lower ground, upper ground, first and second floor layout, removal of non-original partitions and staircase, removal of false ceilings, relocation, creation and adjustment to door openings, replacement skirtings, replacement of

coffered ceilings with cornices and internal decoration through walls and ceilings. Attached at Appendix 1.

On the 12th February 2024, planning permission and listed building consent was granted (ref: 2023/3741/P and 2023/3904/P) for external alterations including the replacement of existing windows on the side and rear elevations, enlarging existing rear and side dormers at roof level, replacement of balustrades and doors to the rear balconies, removal of projecting pelmet on the rear elevation, removal of render to rear elevation at lower ground level and reinstatement of brickwork. Attached at Appendix 2.

Legislation, Policy & Guidance

- LEGISLATION -

Planning and Compulsory Purchase Act 2004

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16 (2) confirms that in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 (l) states in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.

Section 72 (l) confirms that with respect to any buildings or other land in a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

- NATIONAL PLANNING POLICY -

National Planning Policy Framework (2023)

The National Planning Policy Framework (2023) ('NPPF') sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in formulating local planning policies and taking decisions on planning applications.

Paragraph 8 introduces three objectives to 'Sustainable development' (economic, social and environmental), advising that they 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).

Paragraph 10 confirms that a presumption in favour of sustainable development lies at the heart of the NPPF. Paragraph 11 sets out a presumption in favour of sustainable development and how this should be applied.

Paragraph 196 confirms that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk of neglect, decay and other threats.

Paragraph 203 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 212 states that local planning authorities should look for opportunities for new development within Conservation Areas or 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.

Paragraph 214 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

- THE DEVELOPMENT PLAN -

For the purpose of this application, the development plan comprises the London Plan (2021), the Camden Local Plan (2017) and the Redington and Frognal Neighbourhood Plan (2021).

London Plan (2021)

London Plan (2021) Policy HC1 requires development proposals to conserve the significance of heritage assets, by being sympathetic to the assets' significance and appreciation within their surroundings. The policy also requires the cumulative impacts of incremental change from development on heritage assets and their settings to be actively managed. Development proposals should avoid harm and identify enhancements opportunities by integrating heritage considerations early in the design process.

London Plan Policy D6 confirms that housing development should be of high-quality design and must meet the minimum private internal space standards set out in the London Plan.

Camden Local Plan (2017)

Camden Local Plan (CLP) Policy H3 of seeks to ensure that existing housing continues to meet the needs of existing and future households. In order to protect existing homes, the council will resist development that would involve the net loss of two or more homes (from individual or cumulative proposals) unless they (amongst other provisions) enable sub-standard units to be enlarged to meet residential space standards.

The post-amble to Policy H3 confirms that the council may permit proposals to combine three or more dwellings where the existing dwellings are 20% or more below the Nationally Described Space Standards, providing the loss of dwellings is no greater than needed to meet the standards.

CLP Policy D1 seeks to ensure high quality design in all development and requires development to respect local character and the historic environment amongst a number of other criteria.

CLP Policy D3 confirms that the council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The council will not permit development that results in harm that is less than substantial to the significance of designated heritage asset unless the public benefits of the proposals convincingly outweigh that harm.

CLP Policy A1 aims to manage the impact of development in terms of residential amenity; transport impact and general community impacts. This covers a wide range of matters including visual privacy and outlook; sunlight, daylight and overshadowing; noise and vibration levels, odour impact, contaminated land etc.

Redington and Frognal Neighbourhood Plan (2021)

Policy SD1 of the Redington and Frognal Neighbourhood Plan (2021) confirms that where single houses have been sub-divided into flats, and where units are 20% or more below London Plan private internal space standards, they may be amalgamated to form fewer units, provided the reduction in units is no greater than necessary to meet the standards. This applies to all development of a site since June 2006.

- CAMDEN PLANNING GUIDANCE (CPG) -

Camden Planning Guidance (CPG) adds further detail to the policies in the development plan and how these will be applied. The CPG's do not form part of the development plan but are capable of being a material consideration in planning decisions.

The Housing CPG (2021) provides detailed information on the operation of the council's housing policies, including development involving the net loss of homes.

Paragraph 10.8 of the Housing CPG (2021) confirms that Local Plan Policy H3 indicates that the council will consider individual and cumulative proposals that would involve the net loss of two or more homes. Paragraph 10.9 states that the council will particularly focus on past changes which have been made since 26 June 2006 when considering the cumulative loss of homes.

Paragraph 10.14 of the Housing CPG (2021) confirms that Local Plan Policy H3 provides for development involving the net loss of two or more homes where they would enable sub-standards units to be enlarged to meet residential space standards. The council will consider such proposals favourably if existing homes are 20% or more below the Nationally Described Space Standard and the loss of dwellings is no greater than necessary to meet the standard.

Planning Analysis

Principle of the Proposed Amalgamation

Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The discretionary planning system requires each application to be determined on its merits, based on the circumstances of each case. This not only requires the decision-maker to assess the proposal against the development plan, but also to take into account of any material considerations. This means that where there may be conflict with a planning policy, this conflict should be weighed against any material considerations applicable to the case.

The proposal seeks to amalgamate four residential units to a single dwelling with associated internal and external alterations.

CLP Policy H3 resists development that would involve the net loss of more than one home through individual or cumulative proposals, unless specific circumstances apply, including where they enable sub-standard units to be enlarged to meet residential space standards.

The Housing CPG (2021) provides further guidance on the operation of Camden's Local Plan Policy H3. It confirms that in assessing cumulative loss, the council will particularly focus on changes that have been made since June 2006. It also confirms that where proposed amalgamations would enable sub-standard units to be enlarged to meet residential space standards, the council will consider such proposals favourably if existing homes are 20% or more below the Nationally Described Space Standard and the loss of dwellings is no greater than necessary to meet the standard.

Criterion 'iv' of Policy SD1 of the Redington and Frognaal Neighbourhood Plan (2021) is a positively worded provision which also supports amalgamations where it will enable units which are 20% or more below the London Plan private internal space standards, provided the reduction in units is no greater than necessary to meet the standards. For the avoidance of doubt, the London Plan private internal space standards reflect those of the Nationally Described Space Standard.

In connection with the above, there has been a previous amalgamation at the property in 2010 (2010/0087/P) that resulted in the net loss of one dwelling. The above provisions confirm that the council will consider further amalgamations where it would enable sub-standard units to be enlarged to meet residential space standards.

Section 5.3 of the submitted Design & Access Statement confirms that the streetside basement/ground floor maisonette does not meet the Nationally Described Space Standard with regard to internal floor area, built-in storage, and minimum ceiling height. The minimum GIA for this one-bedroom two-storey property is 58m². At 44.6m², the GIA falls more than 20% below the Nationally Described Space Standard/London Plan internal space standard. Additionally, the Nationally Described Space Standard sets out the minimum floor to ceiling height as 2.3m for at least 75% of the GIA. The street side basement/ground floor maisonette only achieves 2.3m floor to ceiling height throughout 36.5% of the GIA and therefore falls significantly below the minimum standard. Furthermore, the minimum standard for built-in

storage in a one-bedroom two-storey dwelling is 1.5m² and the street side basement/ground floor maisonette only provides 0.6m² built-in storage.

Given the significant sub-standard nature of the street side basement/ground floor maisonette, it is considered that the council should support a further amalgamation at the property to enable the identified substandard unit to be enlarged to meet residential space standards which is within the scope of the policy. Indeed, the council confirm that in these circumstances, the loss of units should be no greater than necessary to meet the standard. This is, of course, unless other material considerations outweigh the loss of further residential units beyond what is explicitly allowed for within the development plan policies.

In this connection, Camden's Local Plan Policy H3 confirms that proposals involving the loss of further residential units beyond what is explicitly allowed for within the policy will be 'resisted'. The wording of the policy reflects the flexible approach necessitated by the provisions of Section 38 of the Planning and Compulsory Purchase Act 2004 and the very nature of the planning system. It confirms that the council will take into account other material considerations in assessment such proposals, before moving forward to determination.

The submitted Heritage Statement confirms that there is a clear and compelling heritage imperative to grant consent for the proposed reversion of the listed building to a single-family dwelling. It is argued that the loss of two residential units beyond what is explicitly allowed for within the development plan policies (taking into account the previous amalgamation under 2010/0087/P and the proposed amalgamation of the substandard unit). This would have a negligible impact upon the local housing stock, which would be greatly outweighed by the heritage benefits of the proposal, as discussed further in the following section.

Design and Heritage Impact

The site is within Redington/Frogna Conservation Area and comprises a grade II listed building, which is part of a semi-detached pair (33 & 35 Ferncroft) built in 1902 to the designs of CHB Quennell. The semi-detached pair form part of a wider group of houses within the conservation area of a similar style, by CHB Quennell and other leading architects of late C19.

The proposed development involves the amalgamation of four residential units into a single dwelling and various internal and external alterations to the listed building.

The subdivision of the property into separate flats has led to the fragmentation of the originally interconnected and spatially integrated dwelling into a series of separate compartments. This has also impacted the legibility of the floor plan, hierarchy and spatial arrangement of the house. The subdivision has led to poor quality additions to the internal and external fabric of the listed building.

The proposed internal and external alterations would markedly improve the legibility of the original buildings design intent and architectural quality, reinstate and repair original features, better reveal the original plan form, and remove harmful modern additions to the listed building.

The proposed internal and external alterations have already been granted planning permission and listed building consent under refs 2023/2904/P & 2023/3741/L (external, granted 12 February 2024) and 2023/2898/L (internal, granted 6 February 2024). However, in the absence of a permission for the change of use of 33 Ferncroft Avenue to a single-family dwelling, the extant planning permissions and listed building consents could not be practically implemented, as it is inherent in these proposals that the property would cease to be subdivided into four separate residential units, and instead would become a single-family dwelling.

The submitted Heritage Statement by Cogent Heritage identifies the heritage assets and assesses their significance. The Heritage Statement confirms that the proposed internal and external alterations would represent considerable enhancements to the significance of the listed building and its contribution to the Redington Froggnal Conservation Area. The change of use of the building to a single-family dwelling is the only mechanism to secure these material benefits and enhancements to the significance of the listed building and the conservation area.

The Heritage Statement also confirms that the change of use to a single-family dwelling would reinstate the originally intended use of the house, thereby better revealing its design intent. This would materially enhance the ability to appreciate the buildings significance. The change of use would also facilitate the removal of letterboxes at the entrance porch and provide the building with a less intense use. Furthermore, the plethora of bins that clutter the front garden would be reduced, enhancing the setting of the house.

The proposed change of use would therefore be an enhancement in its own right, as well as facilitating the implementation of the already consented physical enhancements. In accordance with paragraph 205 of the NPPF, great weight should be given to these aspects of the proposed development. The proposal would enhance and better reveal the significance of the listed building and conservation area. Paragraph 212 of the NPPF confirms that such developments should be treated favourably.

The reversion of the listed building to a single-family dwelling and associated internal and external alterations would sustain and enhance the significance of the listed building and put it into a viable use consistent with its conservation, in line with paragraph 203 of the NPPF. Vacancy and neglect have left a number of internal and external elements of the building in

a poor state of repair. The reversion of the property to a single-family dwelling would ensure the longer-term maintenance of the listed building and reduce the risk of further neglect.

Paragraph 214 confirms that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

It is also noteworthy that historically, the LPA have recognised the harm that the subdivision of housing along Ferncroft Avenue was causing to the character of the conservation area which was originally comprised of large single-family dwellings and also to highway safety as a result of increased pressure for on street car parking. On 15th March 1989, planning permission was refused for the change of use and works of conversion to form 5 self-contained flats (which sought to renew a previous planning permission dated 28th December 1983) at 37 Ferncroft Avenue on the grounds of over-subdivision and increased pressure on street car parking which would cause harm to the significance of the conservation area (ref: PL/8804474). Please see the decision notice attached to Appendix 3. Subsequently, on 25th October 1999 planning permission was granted for the change of use from 5 flats to 1 single family dwelling including erection of conservatory and other internal and external alterations at 35 Ferncroft Avenue (the adjoining dwelling) (ref: PW9902295).

Overall, it is argued that there is a clear and compelling heritage imperative to grant consent for the proposed reversion of the listed building to a single-family dwelling. The heritage benefits of the proposal considerably outweigh the modest loss of residential units which would have a negligible impact upon local housing stock.

Impact on Amenity

CLP Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. Further guidance is provided in CPG Amenity which sets specific standards of development.

By virtue of the nature, scale and relationship to neighbouring properties, the proposed external alterations will not result in adverse impacts upon the amenities of neighbours with respect to daylight/sunlight, privacy and outlook. As previously confirmed, the external alterations have already been granted planning permission and listed building consent under refs 2023/2904/P & 2023/3741/L (external, granted 12 February 2024).

Conclusion

As detailed in this letter, there is a clear and compelling heritage imperative to grant consent for the proposed reversion of the listed building to a single-family dwelling. It is argued that the loss of two residential units beyond what is explicitly allowed for within the development plan policies (taking into account the previous amalgamation under 2010/0087/P) would have a negligible impact upon the local housing stock, which would be greatly outweighed by the heritage benefits of the proposal.

On balance, it is considered that proposed development aligns with the aims and objectives of the development plan read as a whole and would constitute sustainable development. It is therefore respectfully requested that planning permission and listed building consent is granted.

I trust this letter and the enclosed documents provide you with sufficient information to determine the application but if you require any points of clarification or have any questions, please do not hesitate to contact me.

Yours faithfully

Stuart Minty
Director
SM Planning