



PLANNING STATEMENT

47 Howitt Road

London NW3 4LU

Prepared for

Ms. R Sheera

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Contents

1	INTRODUCTION.....	3
2	PRELIMINARY MATTERS.....	4
	The Application Site	4
	Relevant Planning History	4
	The Existing Building and its Use	4
	The Proposal	5
	Other Alterations	5
	<i>Section 55 of the Town and Country Planning Act 1990 (as amended)</i>	5
3	PLANNING POLICY FRAMEWORK.....	7
	2023 National Planning Policy Framework (NPPF)	7
	Development Plan	7
	<i>The London Plan</i>	7
	<i>Camden's Local Plan 2017</i>	7
	<i>Camden's Draft Local Plan – January 2024</i>	8
4	THE PROPOSAL AND PLANNING POLICY COMPLIANCE	9
	The Existing Accommodation	9
	Meeting the Needs of Existing and Future Households	9
	Camden's Policy on Protecting Existing Homes	9
	Impact on Residential Amenity	10
	In Summary	10
5	CONCLUSIONS	11

1 INTRODUCTION

- 1.1 This statement is written in support of an application for planning permission for internal alterations to combine the existing lower ground and ground floor maisonette with the self-contained flat above at first floor level at 47 Howitt Road, Hampstead.
- 1.2 This statement should be read in conjunction with the architectural drawings of Metro Plans.
- 1.3 This statement firstly deals with preliminary matters and describes the application site and its surroundings; identifies any relevant planning history; and briefly describes the proposed development. Section 3 provides the planning policy framework in which this application needs to be assessed and Section 4 demonstrates why the proposal is in compliance with planning policy. Section 5 draws on the conclusions reached.

2 PRELIMINARY MATTERS

The Application Site

- 2.1 No. 47 Howitt Road is a mid-terrace building of three storeys plus lower ground floor situated on the east side of the road.
- 2.2 The building was originally constructed as a single-family dwelling house although at some point in the past was converted into self-contained flats.



Relevant Planning History

- 2.3 Planning permission was granted in July 2011 under application ref. 2011/0945/P to extend the existing basement level and construct a single storey rear extension at ground floor level, all in connection with the provision of additional residential accommodation to the existing flat.
- 2.4 It is noted in the Council's delegated report pertaining to the 2011 application that the building was divided into three flats. This is still the case today with the building comprising a basement and ground floor maisonette; a first floor flat; and a second floor flat.
- 2.5 In September 2010 planning permission was granted under application ref. 2010/4779/P for Flat C on the second floor for the provision of a rear dormer window in the upper roof slope including an inset terrace.

The Existing Building and its Use

- 2.6 The opportunity arose last year for the owner of Flat A (basement and ground floor flat) to purchase the first-floor flat (Flat B) and the sale was completed in December.

- 2.7 Whilst the owner and their family have been using the first floor (flat B) for their own purposes, it is not easily accessible as there is no internal access from Flat A into Flat B.

The Proposal

- 2.8 Planning permission is now therefore sought to carry out internal alterations (by way of an internal stair) to connect the basement and ground floor maisonette with the flat above at first floor level.
- 2.9 It is however debateable as to whether planning permission is in fact required for these reasons:
- a) Internal alterations do not require planning permission by virtue of Section 55 of the Town and Country Planning Act 1990 (as amended); and
 - b) Camden make clear in their adopted development plan that they will only seek to resist development involving the net loss of two or more homes.
- 2.10 However, there has been much debate and discussion in recent years regarding the amalgamation of units, particularly in the Greater London area with High Court Challenges and Judgements.
- 2.11 For the avoidance of doubt therefore and having regard to Camden's own views on the matter, planning permission is now sought to convert two flats into one single family home. This would clearly make better use of the three floors for the applicant and their family.

Other Alterations

- 2.12 As part of the internal works, it is also proposed to replace the existing windows at first floor level on both the front and rear elevations.
- 2.13 The replacement windows would be double glazed units, timber framed and in the same style as the existing windows. Therefore, there would be no material change in the visual appearance of the building.

Section 55 of the Town and Country Planning Act 1990 (as amended)

- 2.14 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-

1. *The carrying out for the maintenance, improvement or other alteration of any building of works which –*

(i) Affect only the interior of the building; or

(ii) Do not materially affect the external appearance of the building”

2.15 Having regard therefore to Section 55 (2) 1(ii) of the Act, it is held that planning permission is not required for the replacement windows because there would be no material alteration to the external appearance of the building.

2.16 We have nevertheless referenced the replacement windows on the drawings for completeness and for the avoidance of any doubt in the future.

3 PLANNING POLICY FRAMEWORK

2023 National Planning Policy Framework (NPPF)

- 3.1 At the heart of the revised Framework is a presumption in favour of sustainable development which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.2 The revised NPPF makes clear that the starting point for decision making is the development plan and a presumption in favour of sustainable development does not change that statutory status. Applications for development proposals that accord with an up-to-date Local Plan should therefore be approved without delay.

Development Plan

- 3.3 Having regard to the revised NPPF and Planning Practice Guidance, the proposal has been assessed in relation to relevant policies contained within the Mayor's London Plan dated March 2021 and the London Borough of Camden's Local Plan adopted on 3rd July 2017 where this is in general conformity with the revised NPPF.

The London Plan

- 3.4 The London Plan is a spatial development strategy for London which provides guidance to assist local authorities when preparing their local plans. Policies within local plans thus need to be in general conformity with the London Plan.

Camden's Local Plan 2017

- 3.5 One of the main objectives identified in the Council's Local Plan is to manage change and growth in a manner that respects the character, heritage and distinctiveness of the Borough for it to continue to be a popular place to live, work and visit.
- 3.6 Policy H1 of Camden's Local Plan seeks to maximising the supply of housing to meet existing and future household needs by ensuring self-contained residential homes are the priority land use.
- 3.7 Policy H3 (protecting existing homes) is also directly relevant in the consideration of this application.
- 3.8 Policy A1 seeks to protect the living conditions of existing occupiers and their neighbours.

Camden's Draft Local Plan – January 2024

- 3.9 In January this year the London Borough of Camden published its new Draft Local Plan and the first round of public consultation was carried out between January and March. It is thus too early for the Draft Plan to carry any weight in the consideration of this application.
- 3.10 However that said, we note policies relevant to this application have not altered so significantly in the new draft Plan and in particular Draft Policy H3 (D) states the Council will resist development resulting in the net loss of homes unless the development creates one larger home through the net loss of one home, which would be the case here with this current proposal.
- 3.11 As the supporting text to the draft policy explains, Camden recognise that combining two dwellings to form a single dwelling can help families to deal with overcrowding and to grow without having to move home or to care for an elderly relative.

4 THE PROPOSAL AND PLANNING POLICY COMPLIANCE

- 4.1 As the NPPF advises in paragraph 47, planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 We demonstrate below why the proposed development complies with Camden's adopted Local Plan and that planning permission should therefore be approved without delay in accordance with the NPPF.

The Existing Accommodation

- 4.3 The existing building comprises a self-contained maisonette on the basement and ground floors with two flats above, one on each of the first and second floors. All three flats are accessed from the main front entrance door at ground floor level with their own respective entrance doors to each flat within the building.
- 4.4 For the avoidance of doubt, this application does not involve the second floor flat and it will be retained as a separate self-contained unit.

Meeting the Needs of Existing and Future Households

- 4.5 Policy H1 of Camden's adopted Local Plan relates to maximising the supply of housing to secure a sufficient supply of homes to meet the needs of existing and future households.
- 4.6 By integrating the lower ground/ground floor maisonette with the first floor flat above by the insertion of an internal stair would make more efficient use of the three floors for the applicants and their family thereby meeting the needs of an existing household in accordance therefore with policy H1.

Camden's Policy on Protecting Existing Homes

- 4.7 Policy H3 of Camden's Local Plan seeks to protect all housing floorspace where people live long-term. Policy H3a resists development proposals that would involve the net loss of residential floorspace; policy H3b will protect permanent housing from the conversion to short stay accommodation; and policy H3c resists development that would result in the net loss of two or more homes.
- 4.8 The proposed alterations to combine the two flats involving the insertion of an internal stair from ground floor level to the first floor to provide a permanent single-family home would not conflict with policy H3 because:

- a) The alterations would not result in the loss of residential floorspace;
- b) The building would remain as permanent residential accommodation; and
- c) The alterations would not result in the loss of two or more homes.

4.9 As such, the proposed development wholly complies with Policy H3.

Impact on Residential Amenity

4.10 Local Plan policy A1 seeks to protect the living conditions and quality of life of existing occupiers and neighbours.

4.11 The proposed development would make more efficient use of the building for the current owner/occupiers with more easily accessible floorspace by providing internal access to the first floor.

4.12 The internal alterations would not have a material impact on the living conditions of neighbouring occupiers. Further, the end use of the building for permanent residential accommodation would safeguard existing residential amenity. The proposed development therefore complies with policy A1.

In Summary

4.13 For the reasons given in Section 4 of this statement, the proposed development meets the aims and objectives of the adopted Local Plan, and in particular those policies relevant to this proposal as referenced in Section 3 of this Statement.

5 CONCLUSIONS

- 5.1 The proposed internal alterations to convert two self-contained residential units into one single family home would meet the needs of the present without compromising future generations to meet their own needs.
- 5.2 The continued use of the building for permanent residential accommodation would safeguard existing residential amenity.
- 5.3 The proposed development complies with the aims and objectives of the development plan and with central government advice in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. In our judgement no other material considerations weigh against it.
- 5.4 Accordingly, we trust the London Borough of Camden will determine that the application for planning permission can be approved.