

2024/1167/P – 13 Ebbsfleet Road, London, NW2 3NB



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Photos for 2024/1167/P - 13 Ebbsfleet Road London NW2 3NB

Photo of rear of the site



View of front of property

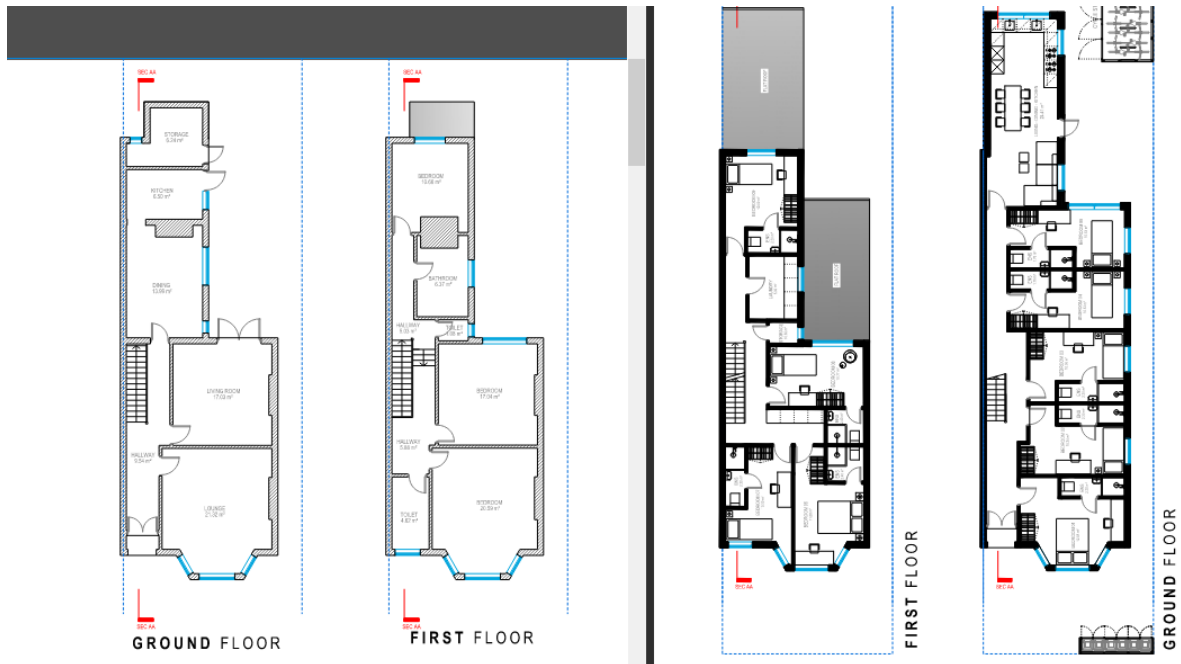


Aerial view site in wider context

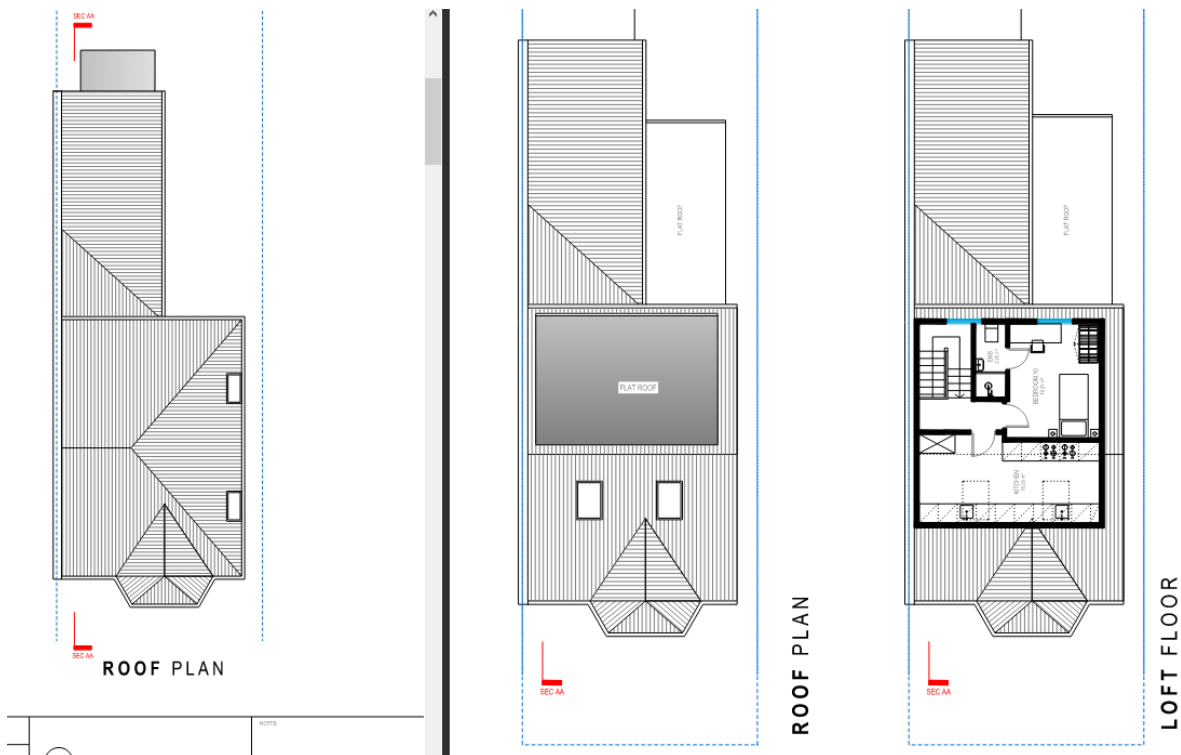


Plans and elevation drawings

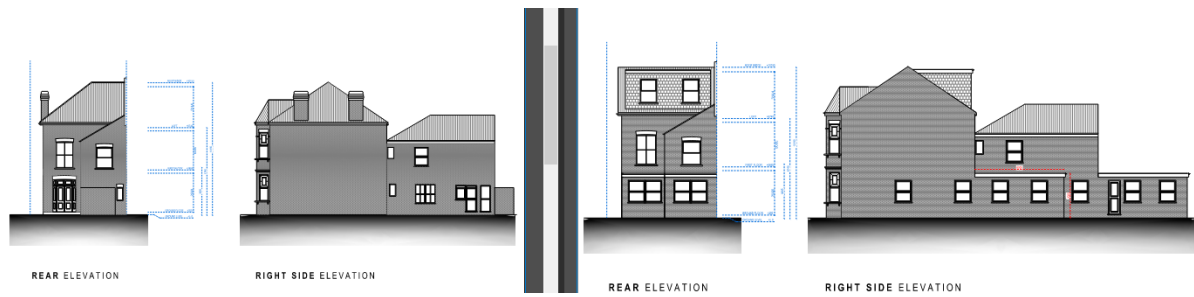
Existing and proposed ground floor and first floor plans



Existing and Proposed loft and roof plans



Existing and proposed rear and side elevation drawings



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	29/05/2024
		N/A		Consultation Expiry Date:	22/06/2024
Officer				Application Number(s)	
Ewan Campbell				2024/1167/P	
Application Address				Drawing Numbers	
13 Ebbsfleet Road London NW2 3NB				See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Single storey side and rear extension together with roof extensions (granted under applications 2023/5324/P and 2023/5326/P) to facilitate the change of use from an existing dwelling (Class C3) to a 10-bed HMO (Sui Generis) for a maximum occupancy of 10 people. Provision of cycle and refuse storage.					
Recommendation:		Grant conditional planning permission subject to a Section 106 Legal Agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	Site notices were displayed near to the site on 29/05/2024 (consultation end date 22/06/2024).			
Adjoining Occupiers:	No. of responses	16	No. of objections	16
Summary of consultation responses:	<p>16 letters of objection making, making the following comments:</p> <p>Use</p> <ul style="list-style-type: none"> - HMO use not needed in area - Encourage high turnover of tenants - Housing needed for families - Impact on local character <p>Standard of accommodation</p> <ul style="list-style-type: none"> - Concerned over the standard of accommodation for prospective tenants <p>Transport</p> <ul style="list-style-type: none"> - Parking issues - Waste issues - Cycle parking not necessarily required <p>Amenity</p> <ul style="list-style-type: none"> - Increase in noise - Loss of privacy <p>Environmental</p> <ul style="list-style-type: none"> - Higher energy consumption <p>Other</p> <ul style="list-style-type: none"> - Already struggle with fly tipping and anti-social behaviour - Safety concerns - A condition should be put in place to ensure this does not happen - Increase strain on drainage issue - Contributes to unaffordable housing - Strain on local infrastructure - Impact on wellbeing and community <p><u>Officer's response:</u></p> <p><i>Please see sections on 'Land use', 'Housing – standard of accommodation', 'impact on amenity' and 'transport' which relate to the assessment and attend to the above comments.</i></p> <p><i>However in relation to the other points these issues are material planning considerations and therefore cannot be considered within the planning assessment.</i></p>			

**Fortune Green and
West Hampstead
Neighbourhood Forum**

No comments on this application

Site Description

The application site contains a two-storey semi-detached property, constructed with brick, timber framed windows and tiled roof. The property is not listed nor in a conservation area.

The site is within the Fortune Green and West Hampstead Neighbourhood Forum.

Relevant History

The planning history for the application site can be summarised as follows:

2023/5326/P - *Hip to gable extension, rear dormer and 2 x rooflight in front roofslope (Granted 17/01/2024)*

2023/5324/P - *Erection of single storey rear extension depth 6m, height 3m and width 3.5m and single storey side and rear infill extension depth 6m, height 3m and width 2.8m (Granted 18/03/2024)*

2024/2715/P - *Conversion of a single dwelling into two flats, single-storey side and rear extension, roof extensions (granted under applications 2023/5324/P and 2023/5326/P). Provision of cycle and refuse storage. (Under consideration)*

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **D1** Design
- **H1** Maximising housing supply
- **H3** Protecting existing homes
- **H4** Maximising the supply of affordable housing
- **H6** Housing choice and mix
- **H10** Housing with shared facilities
- **T1** Prioritising walking, cycling and public transport
- **T2** Parking and car-free development

Fortune Green and West Hampstead Neighbourhood Plan (2015):

- Policy 1: Housing
- Policy 2: Design and character
- Policy 7: Sustainable transport
- Policy 8: Cycling

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Developer Contributions (2019)
- CPG Housing (2021)
- CPG Transport (2021)

Assessment

1. Proposal

1.1. Planning permission is sought for:

- The proposal is for the conversion of a four-bedroom house into a ten-room house in multiple occupation (HMO), with associated cycle to the rear garden and bin store to the front garden.
- Erection of single storey rear extension depth 6m, height 3m and width 3.5m and single storey side and rear infill extension depth 6m, height 3m and width 2.8m
- Hip to gable extension, rear dormer and 2 x rooflight in front roofslope

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Land use
- Housing –Standard of accommodation
- Design
- Impact on Amenity
- Transport
- Energy and Sustainability
- CIL

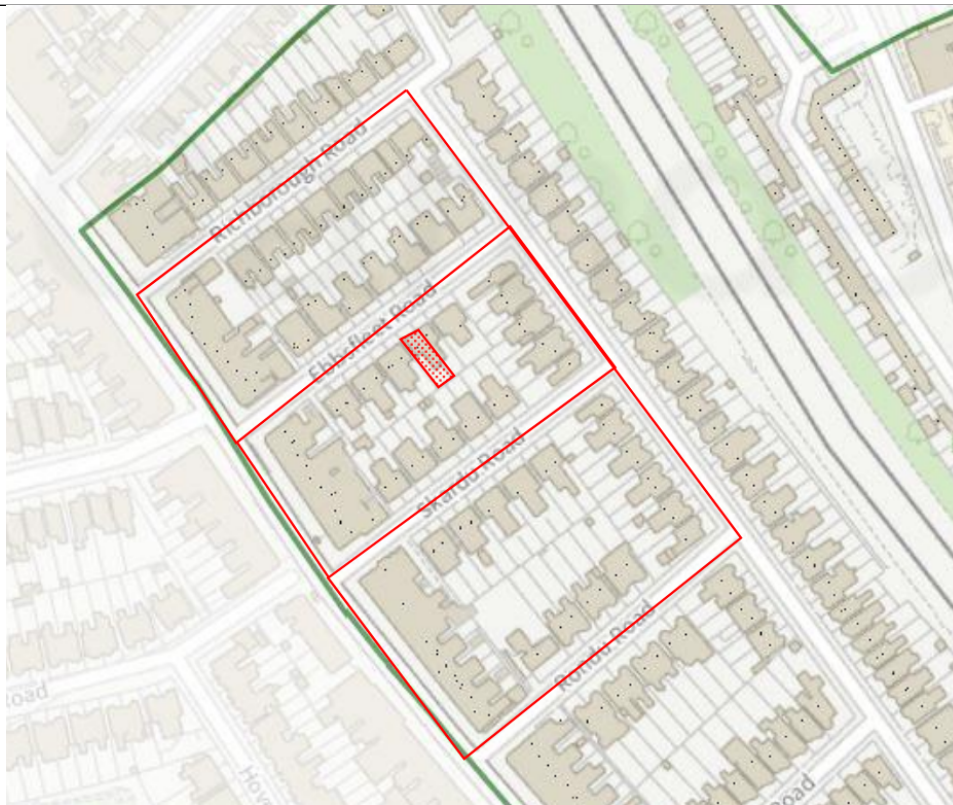
3. Land Use

3.1. Policy H10 (Housing with shared facilities) of the Camden Local Plan states that the Council will support the development of housing with shared facilities which meet the needs of small households with limited incomes and modest space requirements. Policy 1 of the Fortune Green and West Hampstead neighbourhood plan also requires residential uses to meet national standards and ensure development provides a variety of housing options for residents and seeks to ensure that HMOs are of a high quality. For policy H10, the criteria is set out below:

- a) will not involve the loss of two or more self-contained homes;
- b) will not involve a site identified for 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 self-contained housing;
- c) complies with any relevant standards for houses in multiple occupation;
- d) contributes to creating a mixed, inclusive, and sustainable community;
- e) does not create a harmful concentration of such a use in the local area or cause harm to nearby residential amenity; and
- f) is secured as a long-term addition to the supply of low cost housing, or otherwise provides an appropriate amount of affordable housing, having regard to Policy H4

3.2. The proposal is considered to meet the requirements of Local Plan Policy H10. The scheme does not involve the loss of two or more self-contained units. It does not involve a site identified for self-contained housing through a current planning permission or development plan document, and it is found to comply with the relevant standards for houses in multiple occupation.

3.3. The HMO would contribute to a mixed, inclusive and sustainable community and is not considered to result in an over-concentration of such a use in the local area. This is due to the variety of housing sizes for different income grounds in the area and given the fact that there are a small number of HMO's in the area, the proposal would not impact on the character and varied housing styles within the area. An investigation into properties with HMO licenses was undertaken on the roads shown below in red with the site also highlighted in red. The table below confirms the number of residential properties and number of licenses granted on these properties.



Road name	Number of residential properties	Small HMO	Large HMO	Total (and %)
Richborough Road	54	0	0	0 (0%)
Ebbsfleet Road	45	3	1	4 (8.8%)
Skardu Road	41	1	0	1 (2.4%)
Rondu Road	54	0	0	0 (0%)
30-110 Cricklewood Broadway	135	7	2	9 (6.6%)
187-249 Fordwych Road	75	3	0	3 (4%)
Total	404	15	3	18 (4.5%)

- 3.4. Overall, the existing percentage of HMOs in the area is 4.5%. The percentage of large HMOs is even less. Therefore, it is considered that the proposed scheme would contribute to creating a mixed, inclusive, and sustainable community and would not result in a harmful concentration of such a use in the local area.
- 3.5. In line with Policy H10, the proposal would need to secure long-term additions to the supply of low-cost housing. In order to meet this requirement, the applicant would have to either agree to a payment in lieu of affordable housing or the securing of units in the property as 20% less than the cost of a studio flat, either of which would be secured by Section 106 legal agreement.
- 3.6. In this case the application would be making a payment in lieu. Policy H10 also seeks to ensure that such proposals are secured as long-term additions to the supply of low-cost housing. In order to meet this requirement, the applicant is willing to sign up to a legal agreement for a £46,000 payment in lieu for affordable housing (4% x 230 sqm x £5,000).
- 3.7. Overall the proposal complies with the criteria set out in policy H10 of the 2017 Local Plan

4. Housing

Standard of accommodation

- 4.1. Policy D1 of the Local Plan seeks to secure high quality design in development. In relation to housing, part (n) of the policy requires development to provide a high standard of accommodation. The proposals would also need to comply with the sub-text (within paragraph 7.32) regarding the design of housing, with regards space, ceiling heights etc. Policy 1: Housing of the 2015 Fortune Green and West Hampstead neighbourhood plan also mentions HMO's raising concern regarding the quality of accommodation and the respective impacts this can have on the amenities of residents.
- 4.2. Policy H10 (Housing with shared facilities) also states that development for HMOs complies with the relevant standards, including those within the Housing Act 2004. This means that all bedrooms, kitchens, and bathrooms should meet the required space standards for room sizes, and the property must be fit for human habitation, which is considered as part of the HMO licencing process.
- 4.3. The proposed HMO rooms all have floor areas ranging from 10.00sqm to 12.58sqm, which exceeds the minimum floor area standard introduced by the amended Housing Act. Two of these rooms would be considered double bedrooms due to their size. These will only be for a single occupant which will be secured via condition.
- 4.4. In conjunction with the Council's environmental health team, the standards of accommodation for the whole HMO property have been assessed. The proposal includes a large living, dining, and kitchen area on the ground floor and in the proposed dormer. These totals 39.5sqm and therefore meets the requirements. One issue was raised in relation to ceiling heights of the kitchen within the dormer extension however this has been confirmed as meeting the 1.5m minimum.
- 4.5. The property has been assessed as part of the HMO licensing process, and Environmental Health Officers have considered other aspects contributing to the quality of the accommodation for habitation. All bedrooms have windows that allow for natural light and ventilation and provide adequate outlook.
- 4.6. All the rooms have ensembles and MC facilities and have storage/laundry rooms provided. The site benefits from 55.9sqm of outdoor amenity space which means that it exceeds 5sqm per person.
- 4.7. Considering the above the application complies with H10 of the Local Plan and Policy 1 of the 2015 Fortune Green and West Hampstead Neighbourhood Plan.

5. Design

- 5.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy 2 of the 2015 Fortune Green and West Hampstead Neighbourhood Plan also recommends development be in keeping with local character and be of high quality.
- 5.2. The proposed side extension is sensitively designed infilling the space between the boundary wall and the existing outrigger. The scale is acceptable and does not appear overbearing and the design complies with the principles as set out in the Home Improvements CPG and therefore is accepted.
- 5.3. The proposed rear extension is located off the back of the existing outrigger. Again, whilst the depth is considerable because both extensions are not wrap around in nature, it still provides an acceptable level of subservience and is therefore acceptable.
- 5.4. Overall, these appear subservient to the main house and appears as additions rather than competing with the main dwelling house. The use of flat roof design and matching materials is acceptable in this location. Moreover, these already have permission under certificate of lawfulness applications and can be built out anyway.
- 5.5. With the rear dormer, roof conversion and hip to gable roof alteration, these works are somewhat against the guidance within the Home Improvements CPG which accepts smaller, less extensive roof development. However, the site is not located in Conservation Area and the area contains a significant amount of this form of development. Moreover, this work can be done without planning permission anyway and therefore is a material consideration in relation to how the Council assess these works. Overall, the works are in line with similar development in the area and can be done without planning permission and therefore it is acceptable

- 5.6. Overall the proposal complies with policy D1 of the 2017 Camden Local Plan and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.

6. Residential Amenity

- 6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.
- 6.2. With the infill extension this will be set away from the shared boundary with no.11 and therefore issues of outlook, enclosure or daylight/sunlight are not significant. There will also be no increase in overlooking or privacy. With the rear extension whilst the depth along the shared boundary is 6.0m, the height is kept to only 3.0m and therefore the impact on loss of outlook or enclosure is not harmful. No side windows are proposed and therefore issues of privacy or overlooking are not considered significant.
- 6.3. With the dormer windows, due to their location, there won't be any increase in loss of outlook or enclosure or loss of daylight/sunlight. Whilst there is a new large rear window, the distances between neighbours' windows and the relationships between properties are staying the same and therefore is not considered harmful.
- 6.4. In terms of the bike store, it is not considered that there would be any perceptible impact in terms of privacy, overlooking, outlook, or daylight and sunlight. No new opportunities for overlooking or views are created as a result of the works and no new massing would be created that would impact on light or outlook. As such, it is not considered that there would be any significant impact on amenity in these areas.
- 6.5. In terms of noise and nuisance, it is noted that a number of objections were received that detailed the disturbance that would be created by the HMO use. These objections and concerns are noted and duly considered. Therefore, the Council will secure a noise management plan via condition to ensure that the issues that may relate to the use are mitigated and controlled sufficiently. This plan should look to tackle any issues quickly and efficiently and look to place measures that can reduce the impact of any noise and disturbance.
- 6.6. Furthermore, it should be noted that the HMO in Sui Generis use would be governed by HMO licensing. Further controls are established as part of this process, and as part of the licence that has already been granted for this property. These include practicable steps to be taken to reduce and prevent antisocial behaviour at the site.
- 6.7. As such, the proposed development is considered to adequately protect the residential amenity of occupiers and neighbours, in accordance with Policies A1 and A4 of the Local Plan.

7. Transport

- 7.1. In line with Policy T1 of the Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the London Plan standards. Policy 8 from the 2015 Fortune Green and West Hampstead neighbourhood plan also expects developments to provide adequate cycling facilities. Whilst there is no specific standard for HMOs, we would expect cycle parking to be provided at the rate of 1 space per bedroom, which gives a requirement for 10 spaces for this development. The submitted ground floor plan shows a 10 space cycle store in the rear garden of the property, which utilises Sheffield stands and is accessed via the side passageway or through the property and out of the shared kitchen. The provision of the 10 space cycle store should be secured by condition.
- 7.2. In accordance with Policy T2 of the Camden Local Plan, this development should be secured as residents parking permit (car) free by means of a Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking stress, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of construction such as walking, cycling and public transport. The applicant has indicated that they are willing to enter into such an obligation, which is welcomed.
- 7.3. Given that the majority of building works already have planning permission, with only the new ground floor side windows and works of conversion needing planning permission, it is considered that the proposed

development can take place without recourse to a Construction Management Plan. The parking bays outside the front of the property can be used for deliveries and for the storage of skips as necessary.

7.4. Overall, the proposal complies with policies T1 and T2 of the 2017 Local Plan and Policy 7 and 8 of the Fortune Green and West Hampstead Neighbourhood Plan.

8. Community Infrastructure Levy

8.1. The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL)/Camden Community Infrastructure Levy (CIL) as it includes the addition of a private residential unit. The applicant is in discussion with the CIL Team on this.

9. Conclusion

9.1. The proposed development complies with all relevant policies and would be considered acceptable. The proposed use as an HMO under the Sui Generis use class would be an acceptable land use in the area, and would help contribute to the borough's housing supply. It would provide an acceptable standard of accommodation, including low-cost housing, and there would not be considered to be any significant impact resulting from the development on the amenity of occupiers or neighbours. Were issues surrounding antisocial behaviour or noise disturbance to arise, these would be subject to licensing controls that form part of the HMO licence. The proposal would also be secured as car-free and would not increase pressures to the borough's transport network. The proposal is therefore acceptable subject to conditions and obligations

10. Recommendation

10.1. **Grant conditional Planning Permission** subject to:

10.2. Legal agreement head of terms:

- Car-free development
- Affordable housing contribution £46,000

10.3. The following conditions:

- Condition controlling number of occupants in rooms
- Noise management plan
- Cycle parking details
- Noise conditions.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 29th July 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2024/1167/P
Contact: Ewan Campbell
Tel: 020 7974 5458
Date: 25 July 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Redwoods Projects
Unit 4 Grosvenor Way
London
E5 9ND
United Kingdom

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
13 Ebbsfleet Road
London
NW2 3NB

DECISION
Proposal:
Single storey side and rear extension together with roof extensions (granted under applications 2023/5324/P and 2023/5326/P) to facilitate the change of use from an existing dwelling (Class C3) to a 10-bed HMO (Sui Generis) for a maximum occupancy of 10 people. Provision of cycle and refuse storage.

Drawing Nos: E00, E01, E02, E03, E04, P01, P02, P03, P04, P05, P06, P07 and Planning Statement (20/03/2024)

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans E00, E01, E02, E03, E04, P01, P02, P03, P04, P05, P06, P07 and Planning Statement (20/03/2024)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017 and Policy 2 of the 2015 Fortune Green and West Hampstead Neighborhood Plan

- 4 Before the use commences sound insulation shall be provided for the building in accordance with a scheme to be first approved by the local planning authority in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 5 The details of the secure and covered cycle storage area for 10 cycles, shall be carried out in accordance as shown on drawing P01. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017 and Policy 8 of the 2015 Fortune Green and West Hampstead Neighborhood Plan

- 6 Prior to the occupation and implementation of use a Noise Management Plan shall be submitted and approved in writing by the local authority. The ongoing noise management of the HMO use shall be carried out in accordance with the approved plan.

Reason: To ensure that the amenity of occupiers of the surrounding premises is not adversely affected by noise, in accordance with Policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 7 The flat roofs of the extensions hereby approved shall not be used as roof terraces, sitting out areas or other amenity space.

Reason: To protect the amenity of adjoining occupiers and the area in accordance with policy A1 of the Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2023.

You can find advice about your rights of appeal at:

[https://www.gov.uk/appeal-planning-decision.](https://www.gov.uk/appeal-planning-decision)

Yours faithfully

Supporting Communities Directorate