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Dear Simon Dunn,

Appeal by Mrs Ines de la Chaise
Site: 33 Ferncroft Avenue, London, NW3 7PG

Appeal against refusal of planning permission (dated 07/11/2024) for: *Amalgamation of four residential units to a single dwelling and internal and external alterations* was refused for the following reason:

The proposed development would result in the net loss of three permanent self-contained homes, including a mix of large and small homes and a high priority unit size, and would undermine the Council's aim of securing a sufficient supply of homes to meet the needs of existing and future households, contrary to policy H1 (increasing housing supply) of the London Plan and policies H1 (maximising housing supply), H3 (protecting existing homes), H6 (housing choice and mix) and H7 (large and small homes) of the Camden Local Plan 2017.

1. Summary

Site and Designations

- 1.1. The subject site comprises a two storey (plus attic and basement floors) semi-detached house that has been divided into four flats.
- 1.2. The building is Grade II listed, designed by CHB Quennell. It is located in the Redington Frogna Conservation Area.
- 1.3. The site is situated in the Redington Frogna Neighbourhood Plan area.
- 1.4. The Council's case is set out in detail in the attached Officer's Delegated Report, and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. In addition to the information sent with the

questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2. Status of Policies and Guidance

2.1. The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on 03/07/2017 as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reason for refusal are:

H1 – Maximising housing supply
H3 – Protecting existing homes
H6 – Housing Choice and Mix
H7 – Large and Small Homes
A1 – Managing the impact of development
D1 – Design
D2 – Heritage

2.2. The site is also located in the Redington Frogna! Neighbourhood Plan area. The Neighbourhood Plan was adopted in 2021 and the relevant policies to this appeal are:

SD1 - Refurbishment of existing building stock
SD2 - Redington Frogna! Conservation Area

2.3. The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted following the adoption of the Camden Local Plan in 2017. There have been no changes to the relevant policies since the application was refused. However, it should be noted that a new version of the National Planning Policy Framework was published in December 2024. It is however considered that these changes to the NPPF do not impact on the assessment of this application.

2.4. Additional relevant policy and guidance includes the Redington/Frogna! Conservation area appraisal (2022).

2.5. It should also be noted that the Council has published a draft new Camden Local Plan, which has just completed its Regulation 18 stage. Little weight can be afforded to the new plan, but it is nonetheless a material consideration. Of relevance to this appeal, there is a material difference between the existing and new plan with regards to policy H7 and the priority dwelling sizes. This is discussed at paragraphs 3.19.

3. Comments on Appellant's grounds of appeal

3.1. The appellant's case is set out in a document prepared by the appellant's planning agent, SM Planning (dated 7 November 2024) together with appendixes.

3.2. The Council will summarise the key points in the 'Appellant's case' (section 8, page 7) which are presented under the sub-headings of 'heritage benefits', 'loss of housing' and 'planning balance', and respond to each point in turn.

Heritage benefits

3.3. To first establish the statutory requirements of decision makers. When considering whether to grant planning permission for any works, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("LBCA Act") sets out that when

considering planning applications, special regard must be given to the *preservation* of a listed building, its setting or its features of special architectural or historic interest. Section 72 of the LBCA Act states that the local planning authority shall pay special attention to the desirability of *preserving or enhancing* the character and appearance of that area (own emphases added). There is therefore no requirement for the Council to give special regard to heritage *enhancements* when dealing with a listed building, only its preservation. For development in conservation areas, however, there is a special regard to be given to their preservation and enhancement.

- 3.4. That is not to say, of course, that heritage benefits to listed buildings are not encouraged and the decision maker can choose to give them weight in the planning balance. In this case, the Council has given the heritage benefits weight but as discussed in the planning balance, these do not offset the loss of housing stock. It is noted that the harmful alterations were made prior to the building being listed and therefore the retention of the building as four flats would preserve the special interest of the listed building.
- 3.5. The thrust of the appellant's case rests on the heritage benefits associated with reverting the building back to a single dwelling house. It refers to '*considerable number of poor-quality and unsympathetic modifications and later additions, both internally and externally*', many of which, it surmises, were in connection with the subdivision of the property into separate flats prior to its listing in 1999. Externally it refers to '*mismatching dormers and the loss of original chimney stacks*' as '*unfortunate modifications*'; though it is noted that the proposal retains the four non-original dormers rather than reinstating the original roof form which would have been an enhancement.
- 3.6. The appeal statement references a number of other issues including '*a retractable awning, crude and unsightly timber balustrading... modifications to original openings and unsympathetic window replacements*'. These are issues that the proposal would address; however, there is nothing to prevent these benefits from being realised whilst maintaining the number of homes. The only external alterations associated with the subdivision that could not be resolved is the removal of four non-original windows on the side elevation and the removal of mailboxes/intercoms. These are relatively minor and non-prominent alterations that do not affect how the building is appreciated in the streetscene.
- 3.7. Internally, whilst the proposals would undoubtedly bring the property closer to the original plan form and spatial qualities, there are non-original subdivisions still retained or new ones proposed to facilitate modern family living. Furthermore, some of the harm that has already taken place relates to the loss of historic fabric which cannot be reversed, only replicated through new features. Overall, the internal alterations are recognised as a heritage benefit that would better reveal the significance of the listed building.
- 3.8. Two planning decisions are referenced that relate to neighbouring properties, no's 35 and 37 Ferncroft Avenue. The planning refusal for the conversion of a house into multiple units at no.37 demonstrates nothing of any relevance – it is firstly 35 years old, determined under an entirely different Development Plan and before the requirement at a national and local level to increase housing supply. There are two reasons for refusal, firstly the impact of the external alterations on the conservation area and secondly the impact of subdivision on car parking stress. Owing to the age of the application there are no electronic drawings available but presumably the refusal relates to harmful external alterations that were assessed on their own merits. This appeal case does not present the same set of issues.

- 3.9. Likewise, the approval for the conversion of 5 flats into 1 house at no.35 was determined close to 26 years ago under an entirely different Development Plan and before a policy came into effect that protected the loss of homes.
- 3.10. The appellant's appeal statement displays a selective reading of the NPPF, focusing on paragraphs that concern the conservation of heritage assets, but overlooking the emphasis on boosting housing supply which is at the heart of the revised NPPF. Moreover, there is nothing to suggest that by retaining the building in its current state i.e. as four homes, is not compatible with its conservation. Housing is in high demand in the Borough and there is no risk the building would ever become vacant and dilapidated.

Loss of housing

- 3.11. To provide context to the Council's housing delivery. Camden's current target to meet housing needs is set out in the London Plan 2021 and equates to 10,380 additional homes from 2019/2020 to 2028/29, or 1,038 homes per year. Due to the Council's performance against the Housing Delivery Test (HDT) (76%) a 20% buffer is applicable which results in a housing delivery target of 1,367 homes a year, or 6,836 homes over a five-year period. In terms of the requirement for a 5-year land supply, the Council has identified a supply of 5,429 homes which is only four years supply.
- 3.12. The national need to boost housing supply is a key Government objective and the revised NPPF reflects a renewed commitment to maximising housing delivery. The need for new homes is also reflected in the London Plan and the Camden Local Plan. Complementary to policies maximising homes, policy H3 of the Camden Local Plan resists development that would involve the net loss of two or more homes. Policy SD1 of the Redington Froggnal Neighbourhood Plan 2021 appears to go even further than the Local Plan, supporting amalgamations to form fewer units, provided the units are 20% of more below London Plan space standards and the reduction in units is no greater than necessary to meet the standard.
- 3.13. At paragraph 8.41, the appellant argues that the net loss of 3 homes is negligible but if this attitude was taken to every application for the loss of homes, there would be significantly more challenges with housing supply than there is already. The entire reasoning for policy H3 is to prevent the net loss of more than one home apart from in exceptional circumstances, which the proposal does not represent.
- 3.14. The appellant continues the argument that the 1-bed unit at ground/ lower ground floor falls short of the space standard by more than 20% less than the Nationally Described Space Standard.
- 3.15. The unit is 44.6 sqm over two levels. As the bedroom meets the space standard for a double, the appellant argues this must be assessed as a 1b2p unit, for which the associated space standard over 2 floors is 58 sqm. Officers are of the view that this could well be used as a 1b1p unit (with an associated space standard is 39 sqm over 1 floor). Although there is no space standard for a 1b1p unit over two floors, this of course is not to say a home cannot be used in this way. The NDSS is not exhaustive but provides guidance for typical housing types. The Council acknowledge that a floor area for stair take-up should be factored into the calculation, and this is approx.8sqm based on the space the NDSS allows for a stair in other instances. Adding the 8sqm stair take up to the 1b1p space standard would result in a unit of 47 sqm. The resulting space standard is therefore only slightly more than the actual unit size, with a shortfall

of 5% compared to the 20% stipulated by policy H3 of the Camden Local Plan and SD1 of the Redington Froggnal Neighbourhood Plan.

- 3.16. In terms of the floor to ceiling heights, the Council would not agree that the shortfall is indicative of substandard living accommodation. The living room would comfortably meet the standard, the bedroom would have a minor (5cm) shortfall and the kitchen and the bathroom (both non-habitable rooms) would fall short of the standard by approx. 9 and 13 cm shortfall respectively.

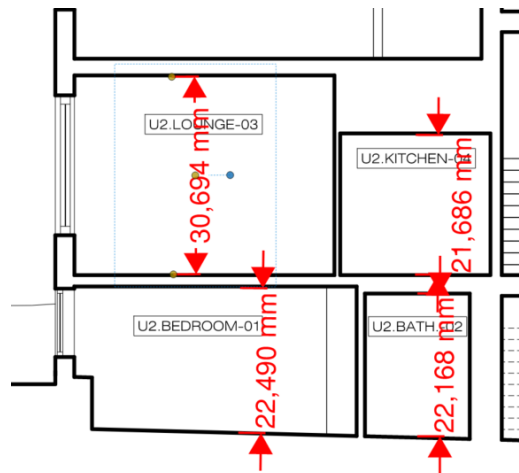


Figure 1 - section of lower ground / ground floor unit

- 3.17. It is emphasised that overall the units provides a reasonable standard of accommodation with a good sized living area that benefits from a large bay window and aspect onto the front garden and street. The bedroom is also a good size and would have acceptable outlook given its use as a bedroom used mainly for sleeping and relaxing.

- 3.18. Even if the loss of the unit were to be accepted, the proposal would still result in the loss of two further units. A loss of one is allowed for by policy but there is a further unit, whose loss has not been accounted for. It is also noted that one of the units to be lost (a 3-bed) is a high priority dwelling size whilst the proposed unit (a large 5-bed) is a lower priority dwelling. The appellant correctly identifies a conflict with policy H7.

- 3.19. Informed by the latest Housing Needs Assessment, the new draft Camden Local Plan re-classifies 1-bed homes as high priority dwelling sizes as well as retaining 3-beds as a high priority dwelling size. The proposal would entail the loss of two 1-beds as well as the 3-bed.

Planning balance

- 3.20. The loss of three units of permanent C3 housing, the Local Plan's priority land use, has been given considerable weight. A primary thrust of policy at a national, regional and local scale is to increase housing supply and proposals for the amalgamation of units at this scale undermines this objective. The proposal is considered to have significant planning consequences for the Council's ability to meet its housing targets.

3.21. Whilst the heritage benefits also are given weight, these are tempered by the potential for most of the external benefits to come forward independently of an application to convert the property to a single dwelling house. It is these external improvements that have the potential to enhance the conservation area and therefore, in accordance with the Council's statutory duty, are given the most weight. Nonetheless, the internal improvements are beneficial to the special interest of the building and contribute to the weight the Council gives to the proposed heritage benefits. However, given the Council's performance against the Housing Delivery Test and the critical need to maximise housing supply (which is facilitated by the protection of existing housing stock), the heritage benefits are not considered to outweigh the net loss of three units of existing housing stock in the planning balance.

4. Conclusion

4.1. Based on the information set out above and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable for reasons set out within the original decision notice and delegated report. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns.

5. Suggested conditions should the appeal be allowed.

5.1. Should the Inspector be minded to allow the appeal, the Council respectfully requests the following conditions to be attached the permission:

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: 23033/PA-01 P-00, 23033/PA-02 P-00, 23033/PA-03 P-00, 23033/PA-04; P-00, 23033/PA-05; P-00, 23033/PA-06 P-00, Design and Access Statement received 26/03/2024 by SM Planning, Heritage Statement received 26/03/2024 by Cogent Heritage, 23033/EX-01 P-00, 23033/EX-02 P-00, 23033/EX-03 P-00, 23033/EX-04 P-00, 23033/EX-05 P-00, 23033/EX-06P-00, Covering Letter received 26/03/2024 by SM Planning, 23033/LP-00 P-00

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 and D2 and of the Camden Local Plan 2017 and policies SD1 and SD2 of the Redington Froggnal Neighbourhood Plan 2021.

If any further clarification of the appeal submissions is required, please do not hesitate to contact Kristina Smith on the above direct dial number or email address.

Yours sincerely,

Kristina Smith
Deputy Team Leader