

London Office:
80-83 Long Lane
London, EC1A 9ET

20 March 2025

Via planning portal only

Dear Sir/Madam,

FULL PLANNING APPLICATION - THE TOWN AND COUNTRY PLANNING ACT 1990

AMALGAMTION OF TWO FLATS INTO A SINGLE DWELLING, GARAGE CONVERSION, INFILL SIDE EXTENSION AND MINOR INTERNAL AND EXTERNAL ALTERATIONS

2 FELLOWS ROAD, LONDON, NW3 3LP

Please accept this covering letter as an accompaniment to this full planning application for proposed works at 2 Fellows Road, NW3 3LP ('the site'). This letter provides a summary of the site and the proposed development.

The application is supported by a completed application form, CIL form, site location plan and existing and proposed plans.

The Site & Surroundings:

The application site is located within the administrative area of the London Borough of Camden, within the administrative ward of Primrose Hill. The site is located on the eastern side of Fellows Road, between the junctions of Eton and Steele's Road.

The site comprises a detached stucco four storey villa, incorporating a driveway and an integrated garage with a self-contained rear garden. There have been little alterations to the façade of the building since it was built in the 1850's, thus the building retains a symmetrical front façade composed of three bays with hipped gable roof.

The site is located within the Eton Conservation Area; however, it is not statutorily or locally listed and is not subject to any Article 4 Direction.

The site has a PTAL rating of 3, meaning it benefits from moderate public transport access. The site is within Flood Zone 1, with a low probability of flooding.

Relevant Planning History:

In February 2016 under reference 2016/0060/P, a planning application was lodged for the erection of a single storey rear extension at lower ground floor level including alterations to the existing balcony and staircase at upper ground floor level. The application was granted planning permission.

In July 2005 under reference 2005/1293/P, a planning application was lodged for the change of use from 3 self-contained flats into a single-family dwelling. This was granted and partially implemented.

In November 1994 under reference 9401688, a planning application was lodged for the change of use from boarding/ Guest House to 3 units of residential accommodation. This was granted.

In February 1987 under reference 8700433, a certificate of lawfulness application was lodged for the continued use as a guest house with private residence. This was refused but subsequently granted at appeal.

Proposal:

This application seeks full planning permission to amalgamate the existing two flats into a single family home. The amalgamation is intended to be further facilitated by various internal and external alterations, including:

- An infill extension at lower ground and ground floor level.
- A garage conversion to create additional living accommodation.
- Replacement of pebble dash render to side wing with Ashlar render to match main house.
- Addition of two sash windows and French door at lower ground floor to the rear.
- Replacement window at ground floor front elevation (like-for-like).
- Various internal renovations, including the addition of a lift core.

It is noted that various aspects of the proposed development are unlikely to require full planning permission in their own right. However, this application seeks consent for all changes for the purposes of clarity.

Vehicular and pedestrian access points will be unchanged from the current arrangement.

For full details of the proposed development please refer to the supporting plans and elevations.

Legislation, Policy & Guidance:

Legislation:

Section 38(6) of the Planning & Compulsory Purchase Act provides that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy:

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development (paras 7-14) and paragraphs 8, 9 & 11 are helpful in applying this presumption.

Paragraph 11 sets out how this is to be applied. It states that, *for decision-taking, this means:*

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The NPPF introduces three dimensions to 'Sustainable development' (Economic, Environmental & Social - para 8), and advises that they are interdependent and need to be pursued in mutually supportive ways. The applicant considers that the development meets all three threads of sustainable development.

Further, the decision-taker is required to consider whether the development accords with an up-to date development plan – and if it does planning permission should be granted unless material considerations indicate otherwise.

Finally, the decision-taker is required to determine whether there are any relevant development plan policies, or the policies which are most important for determining the application, that are out-of-date and if not, grant permission unless:

- *the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

The following sections of the NPPF are most relevant to the consideration of this application:

- Section 11 (Making effective use of land)
- Section 12 (Achieving well-designed places)
- Section 16 (Conserving and enhancing the historic environment)

Local Planning Policy:

The adopted Development Plan for the London Borough of Camden comprises the London Plan (2021) and the Camden Local Plan (2017).

The following policies and guidance are considered relevant to the proposed development:

The London plan (2021)

- GG2: Making the best use of land
- D1: London's form, character and capacity for growth
- D4: Delivering good design
- D5: Inclusive Design
- D6: Housing Quality and Standards
- H2: Small Sites
- H10: Housing Size Mix
- HC1: Heritage and Conservation

Camden Local plan (2017)

- A1: Managing the impact of development
- D1: Design
- D2: Heritage

Camden's Planning Guidance (CPD's)

- Amenity (2021)
- Design (2021)
- Home improvements (2021)
- Eton Conservation Area appraisal and management strategy (2002)

Planning Assessment:

Principle of Development:

Alterations & Extensions:

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

The application site comprises a building in active residential use and no changes are proposed to the established use class. In such locations, there are no development plan or national planning policies that restrict the extension or alteration of residential properties in principle, subject to the consideration of all other detailed matters.

Amalgamation:

Current Planning Permission

Prior to the 2005 permission being granted, the lawful use of the property was 3 self-contained flats. The 2005 permission allowed for the conversion of the property to a single family unit. However, the property was converted into two separate units with the approved scheme being only partially implemented.

It is noted that the 2005 planning permission was granted subject to a condition that the development was begun not later than the end of five years from the date of the permission. The permission was not required to be completed by a certain date and therefore, the starting point is that the 2005 planning permission remains 'live' and could be completed at any time.

Alternative Consideration

Notwithstanding the above, it is clear that the property has been used as two flats for a considerable period of time and consideration should therefore be given as to whether an amalgamation of the two flats into a single home is acceptable in principle.

In this regard it is noted that Section 55(1) of the Town and Country Planning Act 1990 sets out that planning permission is required for "development", including making a material change of use of land. The main issue arising is whether or not an amalgamation of two dwellings to one would constitute a material change of use.

The East Barnet UDC v British Transport Commission [1962] case established that the character of the use of the land is an important consideration in the assessment as to whether a change of use of land is material. In this case, the existing and proposed use would continue to be residential (C3 use class). There would be no material change in the character of the use of the land associated with the proposed amalgamation. Only minor external alterations are proposed which would have no discernible impact on the character or use of the land and the proposal would have no impact on the residential character of the area. There are numerous examples in the Borough whereby the amalgamation of two dwellings into one have been considered to not constitute a material change of use, both under delegated authority and at appeal. This includes appeal reference APP/X5210/X/17/3172201 and application references 2019/0002/P, 2019/1399/P, 2019/3652/P and 2019/4264/P.

The proposal, if considered an amalgamation from two homes to one, would not constitute a material change of use and therefore is not development, as defined by Section 55 of the Town and Country Planning Act 1990 (as amended).

Further Alternative Consideration

As above, the Council do not generally seek to resist schemes combining dwellings where they involve the loss of a single home. This provision creates some scope for growing families to expand into an

adjoining property and in any event, this has been held to not represent 'development' in planning terms and does not therefore, in its own right, require planning consent.

However, consideration is also given to Policy H3 of the Local Plan which indicates that the Council will consider individual and cumulative proposals that would involve the net loss of two or more homes.

A similar case at 72 Belsize Park Gardens (Application Ref: 2020/2535/P) which sought consent for the amalgamation of 2 flats into 1 four-bedroom maisonette at lower and raised ground floor, along with associated alterations is worthy of mention. Despite the maisonette's previous amalgamation in 2010, the Council ultimately deemed the net loss to be one dwelling. The extract from the officer report below provides further context:

'The Camden Local Plan policy H3 (protecting existing homes) normally accepts the loss of up to 1 home in proposals of amalgamation such as this. It is noted that the maisonette was itself the product of an amalgamation of 2 units granted in 2010 (2010/4624/P) meaning that cumulatively the loss is 2 homes. However, in this instance it is considered that due to the length of time prior to the Council's policy when this first amalgamation was approved, and there being no evidence of a particular shortage of 1-bedroom units relative to family accommodation in the Belsize Park area, the conversion to a high-quality unit for larger sized family use can be accepted in this instance.'

For the above reasons, to conclude on matters of principle, whichever way the current lawful arrangement of the property is considered, reversion to a single home is acceptable in principle. The previous consent for amalgamation remains extant. If the council were to consider it wasn't an extant permission, they would therefore consider the lawful use of the property to be two residential units (due to the passage of time) and amalgamation of two units to one doesn't require planning consent. In any event, the loss of one unit of accommodation is supported by the local plan. Finally, if neither of the above scenarios were considered accurate then cumulative amalgamations similarly wouldn't apply due to the passage of time between the point at which the first amalgamation was approved and the point at which council's policy on loss of housing was adopted.

Design & Heritage:

Policy D1 of the local plan provides detail on local requirements and, importantly, states that the council will require development to respect local character and context, guidance that is consolidated by Camden Planning Guidance on Design.

The proposed development does not depart from the primary residential use of the site and the main issue relating to impact would therefore be limited to design, layout and appearance.

In terms of built form, the proposed external alterations would reflect entirely positively on the external appearance of the property. The infill extension would not result in additional excavation, it would simply infill an existing void that contributes neutrally to the character and appearance of the area. The infill extension would create symmetry and would be finished in materials to match the existing home in terms of façade finish and fenestration detail.

The regularisation and addition of windows in both the front and rear elevations would create consistency and would reduce the amount of blank frontage which would improve the overall composition of the elevations.

All other alterations would be internally located and would not therefore require planning consent. They are nevertheless included within the scope of this application for clarity.

The proposed development is considered to sympathetically adjoin neighbouring development, would not be prominent in the wider surroundings and would provide for an elegant development that both respects and responds to its context. The proposed development is therefore considered to accord with the principles of the development plan and national planning policy guidance in this regard.

Residential Amenity:

Policy A1 of the Local Plan seeks to ensure development protects neighbouring residential occupiers from the adverse impact of development. This is echoed in guidance contained within the NPPF and the London Plan. Further guidance is provided in CPG Amenity which sets specific standards of development.

Firstly, it is worth re-iterating that the proposed development comprises the refurbishment and extension of an existing residential property. No additional vantage points will be created and no additional built form will be created beyond the existing built envelope.

Therefore, the application proposals would not cause undue harm to the amenity of neighbouring residents, in accordance with the NPPF and Policy A1 of the Local Plan.

Transport, Parking & Highways:

Policies T1 and T2 of the Local Plan highlight the importance of prioritising walking and cycling as a sustainable mode of transport and indicate that car-free development across the borough is a key aim. Additionally, the CPG on Transport states that car-free development will be expected in the Central London Area, town centres and other areas with high public transport accessibility.

The National Planning Policy Framework, at Section 116, states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

In this case, the proposal is not for new residential development, rather it is for amalgamation of two units to one and for various internal and external alterations. The requirement for the development to be ‘car free’ is not therefore engaged. In any case, the proposal does not include provision to increase existing vehicular parking at the site. Parking provision is in fact reduced at the site as a result of the garage conversion and in light of these factors, the proposed development is acceptable on highways grounds.

Summary:

As demonstrated within this letter and supporting documents, the proposed development constitutes a sustainable form of development which will contribute positively to improving the boroughs housing stock while preserving the character of the area, neighbour amenity and not harming highway safety. Accordingly, the development provides a well-designed scheme which responds positively to its surrounding townscape and neighbouring development, whilst making an effective use of this site.

The development, in most parts, is likely to fall to be considered under 'permitted development'. However, the application is submitted in order to provide clarity and certainty. The proposed development is, in any event, in accordance with the relevant Development Plan policies, and it is therefore respectfully requested that planning permission 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

Allen Sacbucker
Associate
SM Planning