

MADDOX PLANNING
**PLANNING
STATEMENT**

20 Busby Place
April 2025

Description of development

Change of use of a family dwelling house (Class C3) to a 9-bedroom HMO (Sui Generis) with minor external alterations including erection of bike storage and associated landscaping (Part Retrospective).

Type of application

Full planning permission

Applicant

Euston Properties Ltd

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1.0 Introduction

- 1.1 This statement has been prepared in support of an application for planning permission for the change of use of a family dwelling house (Class C3) to a 9-bedroom HMO (Sui Generis) with minor external alterations including the erection of bike storage and associated landscaping.
- 1.2 The application is part retrospective and follows a previous planning application on the site for the change of use of the property to an 11-bedroom HMO (LPA ref. 2022/1143/P). Planning permission was refused on 11 September 2024 due to the lack of affordable housing, the failure to provide an acceptable standard of accommodation for residents, the visual appearance of the proposed bike store to the front of the property and the absence of a legal agreement to secure a car free development.
- 1.3 Application ref. 2022/1143/P was subsequently appealed under appeal ref. APP/X5210/W/24/3354215 and the appeal was dismissed on 14 April 2025. The dismissal found that the development is not contrary to policies designed to deliver low-cost or affordable housing, or those policies designed to ensure that developments are car-free, however the development was considered to fail to provide acceptable living conditions for occupants in terms of the outlook from habitable bedrooms 1 and 11 within the development. It was also accepted during the appeal process that the Council's third reason for refusal relating to the effect of the proposed bike store on the character and appearance of the area could be conditioned should the appeal be allowed. The proposals have therefore been revised to address the Council and the Inspector's concerns about the cycle storage (which can also be conditioned) and in regard to outlook in this application.
- 1.4 This statement assesses the merits of the proposed development in the context of national, regional and local planning policy objectives and other material planning considerations, including the Council's and Planning Inspector's decisions. As set out in this statement, the proposed development complies with the relevant policies in the Development Plan and planning permission can, therefore, reasonably be granted.
- 1.5 This statement is structured as follows:
 - Section 2.0 describes the site and the surrounding context and identifies the relevant planning designations;
 - Section 3.0 provides the site's relevant planning history;
 - Section 4.0 provides the planning policy framework;
 - Section 5.0 identifies the relevant planning policies and assesses the proposals against these policies and other material considerations; and
 - Section 6.0 draws our conclusions in respect of the proposals.

2.0 Site and surroundings

- 2.1 The site is a four-storey end of terrace property located on the south side of Busby Place, west of the junction with Torriano Avenue and east of the junction with Pandian Way.
- 2.2 The site is not listed and nor is it located within a conservation area.
- 2.3 The site has a PTAL Rating of 4/5, indicating that the site has good access to public transport links.
- 2.4 The site is located in Flood Zone 1 (lowest probability of flooding).



Above: Image of the site from Busby Place

3.0 Planning history

3.1 The relevant planning history for 20 Busby Place is set out in the table below.

Reference	Description	Status	Decision date
2022/1143/P	Change of use of a 6-bedroom single family dwelling house (Class C3) to a large 11-bedroom HMO (Sui Generis) with minor external alterations including erection of bike store. (Retrospective).	Refused	11/09/2024
	Appeal ref. APP/X5210/W/24/3354215	Appeal dismissed	14/04/2025
2018/0500/P	Demolition of boundary treatment to front of dwelling and use of front garden for two onsite car parking spaces.	Refused	11/05/2018
2017/7112/P	Conversion of single family dwellinghouse into six self-contained flats (Class C3) including lowering of levels to rear garden to form lightwells, installation of new windows to side and rear elevations, the retention of existing dormer windows and rooflights and alterations to front garden to create refuse and cycle stores (unit mix proposed 4 x 2bed, 3 person; 2 x 1bed, 2 person)	Withdrawn	
2012/2488/P	Erection of a single storey side conservatory extension to dwelling house (Class C3).	Refused	05/07/2012
	Appeal ref. APP/X5210/D/12/2182220	Appeal dismissed	16/05/2012
2011/4755/P	Erection of a single storey side extension to dwelling house (Class C3).	Refused	12/10/2011
2010/4094/P	Erection of boundary wall with railings and electric gate to existing residential dwelling (Class C3), in association with retained forecourt parking.	Refused	11/10/2010
	Appeal ref. APP/X5210/D/11/2147850	Appeal dismissed	18/08/2010
2008/4868/P	Retention of a 4 storey plus basement and sub-basement building to provide additional accommodation to an existing dwellinghouse and retention of dormer windows to 20 Busby Place (Class C3).	Refused	20/04/2009
2008/4769/P	Retention of new building to provide a 4 storey plus basement and sub-basement dwellinghouse (Class C3) with front and rear dormers on land adjoining 20 Busby Place.	Refused	23/12/2008
2007/5002/P	Erection of a new 4-storey plus basement single family dwelling house on site adjoining no.20 with dormer windows at front and rear main roof.	Refused	02/11/2007
2007/0928/P	Erection of a single family dwelling house (C3) to include the installation of two roof dormers.	Withdrawn	15/06/2007

2006/4782/P	Installation of front and rear dormers to single family dwelling house (Class C3).	Granted	03/11/2006
2006/0278/P	Erection of a three storey side extension and dormer extension to front and rear of a single family dwelling house (Class C3).	Withdrawn	
2005/4420/P	Erection of a four storey side extension to the basement, ground and first floor levels and installation of dormers to the dwellinghouse (Class C3).	Withdrawn	
2005/3708/P	Erection of extension at the basement floor level, alterations to side and rear elevations, installation of a dormers at the front and rear roof slope of the dwellinghouse (Class C3).	Granted	13/09/2005
2005/1901/P	Erection of a 2-storey side extension.	Granted	23/05/2005

3.2 Planning permission was refused on 11 September 2024 for the “*change of use of a 6-bedroom single family dwelling house (Class C3) to a large 11-bedroom HMO (Sui Generis) with minor external alterations including erection of bike store. (Retrospective)*” (LPA ref. 2022/1143/P). The application was refused for the following reasons:

1. The proposed development, in failing to be secured as a long-term addition to the supply of low cost housing or otherwise providing an appropriate amount of affordable housing, would fail to meet the needs of small households with limited incomes, contrary to Policy H10 of the London Borough of Camden Local Plan 2017.
2. The proposed development, by reason of its layout, positioning and scale of window openings, and siting of proposed rooms, would fail to provide an acceptable standard of accommodation for occupying residents, contrary to Policy A1 of the London Borough of Camden Local Plan 2017.
3. The proposed bike store to the front of the property, by virtue of its location, design, and scale, would add visual clutter and fail to respect the residential character of the building and wider streetscene, contrary to Policy D1 of the London Borough of Camden Local Plan 2017.
4. The proposed development, in the absence of a legal agreement to secure the residential dwellings making up the house of multiple occupancy as car-free, would be likely to contribute to parking stress and congestion in the surrounding area, contrary to Policy T2 of the London Borough of Camden Local Plan 2017.

3.3 Application ref. 2022/1143/P was subsequently appealed under appeal ref. APP/X5210/W/24/3354215 and was dismissed on 14 April 2025. The dismissal found that the development is not contrary to policies designed to deliver low-cost or affordable housing, or those policies designed to ensure that developments are car-free, however the development was considered to fail to provide acceptable living conditions for occupants in terms of the outlook from habitable bedrooms 1 and 11 within the development. It was also accepted during the appeal process that the Council’s third reason for refusal relating to the effect of the proposed bike store on the character and appearance of the area could be conditioned should the appeal be allowed.

3.4 The proposals have therefore been revised to address the Council and the Inspector’s concerns about the cycle storage (which can also be conditioned) and in regard to outlook in this application.

4.0 Planning policy framework

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act and Section 70(2) of the Town and Country Planning Act 1990 (as amended) outline the requirement for planning applications to be determined in accordance with the development plan for an area unless material considerations indicate otherwise. This legal requirement is reiterated within the introduction of the National Planning Policy Framework (NPPF).
- 4.2 The adopted development plan for the site comprises of the following documents:
- Camden Local Plan (July 2017)
 - London Plan (March 2021)
- 4.3 The Council has published a Draft New Camden Local Plan (Regulation 18) which was consulted on from 17 January to 13 March 2024. The weight which should be afforded to draft policies is guided by paragraph 49 of the NPPF and paragraph 049 of the Planning Practice Guidance (PPG). As the draft Plan is still in its early stages, in our view it should not currently be afforded weight. The proposals are therefore not assessed against the draft policies in this statement.
- 4.4 The following documents are material considerations:
- National Planning Policy Framework (February 2025)
 - Camden Design SPD (January 2021)
 - Camden Housing SPD (January 2021)
 - Camden Amenity SPD (January 2021)

5.0 Planning considerations

5.1 The main planning considerations for the proposed development include:

1. Principle of development – land use;
2. Design;
3. Affordable housing;
4. Quality of accommodation;
5. Amenity considerations;
6. Transport;
7. Biodiversity;
8. SuDS; and
9. Fire.

1. Principle of development – land use

5.2 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. This is provided that the development:

- 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.

5.3 The proposed development would comply with all of the relevant standards for houses in multiple occupation, and the proposals do not involve the net loss of two or more homes.

5.4 The Council considered in the previous application that *“given the area includes a wide spread of properties subdivided into flats and few HMO properties nearby, 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.”* This is still considered to be the case in this application.

2. Design

5.5 Policy D3 of the London Plan states that development proposals should be of high quality, enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

5.6 Policy D1 of the Local Plan states that the Council will seek to secure high quality design in development through respecting local context and character, preserving or enhancing the historic environment, sustainable design and construction, ensuring that development is inclusive and accessible for all and provides a high standard of accommodation.

5.7 The proposals are all internal except for proposed cycle storage and associated landscaping improvements. The previous application proposed cycle storage to the front of the property, which the

Council considered to add visual clutter which failed to respect the residential character of the building and wider streetscene. The cycle storage has therefore been proposed to the side of the elevation, setting it back from the streetscene and in turn limiting any impact. The proposed cycle storage would also be screened by landscaping to the front of the property and as per the appeal, the final design of the proposed cycle storage can be conditioned.

3. Affordable housing

- 5.8 Policy H4 of the Local Plan states that the Council will aim to maximise the supply of affordable housing and that the Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more.
- 5.9 Policy H10 (F) (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 provided that the development 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.
- 5.10 The Planning Inspectorate concluded in appeal ref. APP/X5210/W/24/3354215 that the development does not trigger an affordable housing requirement. It does not result in an additional home or additional residential floorspace. Having regard to Policy H4, it complies with the requirement of Policy H10 (F) insofar as it provides an appropriate amount of affordable housing, that being nil. The proposals in this application also do not result in an additional home or additional residential floorspace and therefore no affordable housing is required.

4. Quality of accommodation

- 5.11 Policy H10 (Housing with shared facilities) 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.
- 5.12 The proposals exceed the minimum floor areas and the proposed habitable rooms have windows with good levels of natural light, ventilation and outlook. The scheme has been revised since the previous dismissal to remove the proposed bedrooms at sub-basement level and now provides additional communal space, in turn overcoming the Planning Inspectorate's reason for dismissal. The Planning Inspector confirmed in the appeal decision that *"I acknowledge that other rooms in the property, including the communal space and other bedrooms experience acceptable levels of outlook and light."*

5. Amenity considerations

- 5.13 Policy A1 of the Local Plan states that the Council will seek to protect the quality of life of occupiers and neighbours ensuring that proposals will not cause unacceptable harm to amenity.
- 5.14 The only external alterations proposed are the cycle storage proposed to the side of the property and associated landscaping to the front and side garden. There is no impact on neighbouring amenity in terms of privacy, overlooking, outlook or daylight and sunlight.
- 5.15 The submitted Management Plan also lays out steps to ensure there are no unacceptable impacts on neighbours, where all occupants are professionally referenced and interviewed to ensure compatibility with the community ethos and anti-social behaviour is strictly monitored and controlled under a clear code of conduct. The proposals are also subject to HMO licensing which would require that noise levels and disturbance are kept to a minimum.
- 5.16 In light of the above, the proposed development is in accordance with local plan policy A1.

6. Transport

- 5.17 Policy T2 of the London Plan states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. This policy also states that development proposals should reduce the dominance of vehicles on London's streets whether stationary or moving.
- 5.18 Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking. This is echoed in Local Plan policy T2 which states that the Council will limit the availability of parking and require all new developments in the borough to be car-free.
- 5.19 Policy T5 of the London Plan sets out the cycle parking requirements.
- 5.20 The proposed development is 'car free' in line with local and London Plan standards/policies which encourage mode shifts to alternate modes of transport, for example public transport, walking and cycling. This can be secured through a legal agreement as confirmed by the Planning Inspector in the appeal decision.
- 5.21 The proposals include 9 long stay cycle spaces and an extra parking stand for guest parking. This is considered to be adequate to serve the 9 bedroom HMO.
- 5.22 The proposals are therefore considered to be in accordance with policies T2, T5 and T6 of the London Plan and T2 of the Local Plan.

7. Biodiversity

- 5.23 Policy G6(D) of the London Plan states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. Policy CC2 of the Local Plan states that all development should adopt appropriate climate change adaptation measures such as incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate.
- 5.24 The site currently has no vegetation or soft landscaping, and the existing building footprint covers the majority of the site with the remaining site made up of hard surfaces. The proposed development is therefore exempt from Mandatory Biodiversity Net Gain under the 'de minimis' ('below the threshold') exemption, which is defined as follows:

"A development that does not impact a priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat*
- 5 metres of on-site linear habitats such as hedgerows*

A development 'impacts' a habitat if it decreases the biodiversity value."

- 5.25 Regardless, the scheme is designed to maximise biodiversity by proposing a new soft landscaping scheme, the details of which can be conditioned. This presents an improvement over the existing condition by maximising the provision of greenery in line with Local Plan policy CC4.

8. SuDs

- 5.26 Local Plan policy CC3 seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. Part E of the policy seeks to utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible.
- 5.27 The proposals are largely internal; however they include new soft landscaping where the existing site has none. This will improve surface water runoff rates at the property.

9. Fire

- 5.28 Policy D12 of the London Plan states that to ensure the safety of all building users, all development proposals must achieve the highest standard of fire safety.
- 5.29 The proposed building does not meet the threshold of a high-risk building, but a fire strategy has been developed with regard to the relevant regulations and policies. The submitted Fire Statement demonstrates that the proposed development complies with the requirements of the London Plan Policy D12(A) and may be considered acceptable with regard to fire safety planning.

6.0 Conclusion

- 6.1 This statement demonstrates that the proposed development complies with the development plan. The proposals have been revised to meet the reasons for refusal under previous application ref. 2022/1143/P and the subsequent appeal ref. APP/X5210/W/24/3354215.
- 6.2 The Council is therefore respectfully requested to grant planning permission for the proposed development.