

Delegated Report		Analysis sheet		Expiry Date:		07/07/2010	
		N/A		Consultation Expiry Date:		23/06/2010	
Officer				Application Numbers			
John Sheehy				2010/1796/P			
Application Address				Drawing Numbers			
10 Elsworthy Terrace London NW3 3DR				Refer to draft decision			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal							
Change of use from 2 flats to a single dwelling house (Class C3).							
Recommendation:		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	16	No. of responses	2	No. of objections	0
				No. electronic	2		
Summary of consultation responses:		Site notice displayed from 28 th of May to 18 th of June. Expressions of support received from occupiers of 9 Elsworhy Terrace and 11c Elsworthy Terrace. Neighbours stated that the applicants keep the building in very good condition and family life benefits the street.					
CAAC/Local groups comments:		Elsworthy CAAC: no objection.					
Site Description							
The application relates to a 3-storey mid-terrace house (with basement and loft accommodation) comprising two self-contained flats. It is located on the western side of Elsworthy Terrace, a short road leading to an entrance to Primrose Hill. The site is located in Elsworthy Conservation Area.							
Relevant History							
<p>May 2009 application <u>refused</u> for conversion from three self-contained flats to one self - contained unit on the first floor and use of the remaining floors as non- self-contained accommodation, together with the installation of a rooflight within the rear roof slope, ref.2009/0530/P. Reason for refusal:</p> <p><i>The proposed development would result in the net loss of two self contained residential units contrary to policy H3 (protecting existing housing) of the London Borough of Camden Replacement Unitary Development Plan 2006.</i></p> <p>September 2009 Planning permission granted for change of use from three self contained flats to two self contained flats, together with installation of a new rooflight to the rear roof slope, ref. 2009/2715/P. THIS PERMISSION HAS BEEN IMPLEMENTED AND, AS NOTED ABOVE, THE PROPERTY IS DIVIDED INTO 2 SELF-CONTAINED FLATS.</p>							

Relevant policies

Camden Development Plan 2006

SD6 Amenity for occupiers and neighbours

H3 Protecting Existing housing

Camden Planning Guidance 2006

Elsworthy Conservation Area Statement

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

DP2 Making full use of Camden's capacity for housing

DP26 Managing the impact of development on occupiers and neighbours

Assessment

Policy H3 states that the Council will resist proposals that would lead to a net loss of residential floorspace and states that it will not grant planning permission for a development that would involve the loss of two or more residential units.

The aim of this policy is to protect existing housing and to prevent unreasonable loss of housing floorspace or units.

The proposal does not involve the net loss of residential floorspace but would involve the loss of one residential unit. This would result in the overall aggregate loss of two units when considered in relation to the unit which was lost as a result of the decision dated September 2009, noted above.

The owner of the site is the same as in both recent applications - Mr. Dennis. Given the recent history of decisions at the site and the retention of the entire property within the ownership of Mr. Dennis, it is considered that the application represents an attempt at a piecemeal change of use aimed at consolidating the formerly 3-unit property into a single residential dwelling and thus avoiding the constraints of policy H3.

Policy H3 seeks to resist the loss of two or more units unless certain circumstances arise in relation to the development:

- a. it would create a large affordable unit: this is not the case in this instance
- b. it creates large units in a part of the borough with a relatively low proportion of large dwellings: the property is located in Swiss Cottage ward which is not identified as having a shortage of larger residential units (paragraph 2.35 of the UDP)
- c. any loss is necessary to bring sub-standard units up to an acceptable standard: this is not the case in this instance.

The proposal fails to meet the requirements of policy H3 and would therefore lead to the unacceptable loss of housing units, contrary to policy H3, and is refused on this basis.

It is considered that the development would not have a detrimental impact on neighbour amenity in terms of sunlight, daylight, outlook or privacy: the proposal is considered to be consistent with policy SD6.

Recommendation: refused.

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