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GTN 2074

Reg. 1492  
G13/15/20  
36852(R1)

Harold Deutsch Esq MIAS AFS MRSH  
Corporate Building Surveyor  
32 Stamford Hill  
LONDON  
N16 6XZ

Your reference

Our reference

T/APP/X5210/A/84/015113/P3

Date

12 OCT 84

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY STAMFORD HILL INVESTMENTS LTD  
APPLICATION NO:- G13/15/20/36852(R1)

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the London Borough of Camden Council to refuse planning permission for the change of use and works of conversion to provide four 2-bedroom flats and one bedsitting flat at No. 31 South Villas, London NW1. I have considered the written representations made by you and by the council and also those made by an interested party. I inspected the site on 3 September 1984.
2. I note that while the application for permission is for the change of use and conversion of the appeal property to 5 self-contained flats the plans accompanying that application were revised to show only 3 flats and one maisonette. It was the latter revised plans which were considered by the council and were the subject of the subsequent decision letter refusing planning permission. I therefore confirm that I shall be treating this as the proposal now before me.
3. From my inspection of the appeal property and its surrounding area and from the representations made I am of the opinion that the main issue is whether the proposal would provide satisfactory living accommodation, having regard to the council's adopted and emerging policies on housing.
4. The appeal property is one of a terrace of similar Victorian houses included within the Camden Square Conservation Area. It is in 4 storeys with an attic floor. The lower ground floor is arranged as a flat which was empty at the time of my visit. The upper floors contain 11 bedsitting rooms each with hot and cold running water but in some instances with shared cooking facilities. The occupiers of all these rooms share one bathroom and WC.
5. The proposal is for a self-contained 2-bedroom flat on each of the first 3 floors with a self-contained 3-bedroom maisonette on the fourth and attic floors. Those flats on the 2 lower floors would each have independent access to a part of the rear garden.
6. In my view these proposed dwellings would provide spacious accommodation having facilities which in qualitative terms would be far superior to the standard of that now existing. In this respect I note that the council itself is not in principle opposed to the change of use and conversion of the house in this way and has indicated that the mix of dwelling units is such that had the application been considered before the approval of revised housing policies for future inclusion as alterations to the district plan the proposal might have been approved.

7. The council's objection to the appeal proposal is based on a revised housing policy, adopted by the council in March 1984, which it proposes to include in the review of the District Plan. This revised policy seeks to encourage diversity in the range, type and tenure of accommodation, and in particular, seeks to maintain a supply of housing for rent in both the public and private sectors.

8. I fully appreciate the housing pressures in Camden, which are clearly illustrated in the report of 13 September 1983. It has been established on a number of occasions that it is a proper planning function to seek to retain a particular use, such as housing. Moreover, it seems to me quite proper that the Council, in exercising its planning functions, should seek to retain a particular type of housing unit, and I note that this would be possible under the revised policy, since it encourages a diversity in the range and type of accommodation available.

9. However, it is a well established principle that the question of tenure and the protection of existing tenants are matters which are more properly the concern of legislation other than the Planning Acts; and I do not consider that the possibility that the proposed flats might be sold rather than let constitutes a sound and clearcut reason to disallow them. Moreover, although there is clear evidence of a decline in the overall amount of privately rented accommodation in the Borough, there is no evidence that the need to retain bed-sitting rooms is greater than the need for flats of the size proposed. In the absence of such evidence, and bearing in mind the conformity of the proposed development with the housing policies in the District Plan, I do not consider that the Council's arguments succeed in showing that the proposal is unacceptable.

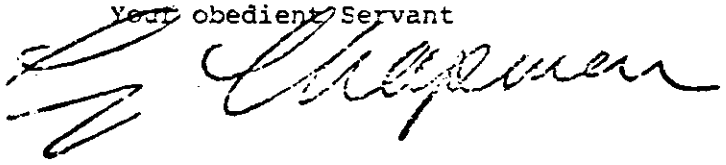
10. Having considered all of the other matters raised in the representations I do not find them sufficient to outweigh the considerations which have led to my decision.

11. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use and works of conversion to provide 3 flats and a maisonette at No. 31 South Villas, Camden in accordance with the terms of the application (No. G13/15/20/36852 (R1)) dated 1 September 1983 and the plans subsequently submitted as revisions thereto, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

I am Sir

Your obedient Servant



G CHAPMAN ESocSc DipTP MRTPI  
Inspector