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Our Ref: 2014/4734/PRE
Contact: Christopher Heather
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Date: 30 July 2014

Dear Thomas,

RE: 46 Howitt Road, London, NW3 4LJ

This letter is the response to the pre-application enquiry at the above site. The development for which advice is sought is the conversion of the existing property into two self-contained flats. There is also an alteration to the existing rear projection which would result in slightly more floorspace, and external alterations.

The response is given specifically in relation to the potential development at the site as suggested by the pre-application drawings submitted. Should your pre-application scheme be altered this advice may become redundant; and this advice may no longer be considered relevant if adopted planning policies at national, regional or local level are changed or amended; other factors such as case-law and subsequent planning permissions may also affect this advice.

I have undertaken site visits to the site previously in connection with the previous planning application. The most recent was on 18 June 2014. The scheme is shown on drawings A1 A100 and A1 A101.

Planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that developments must be determined in accordance with the development plan unless material considerations indicate otherwise.

The documents which make up the development plan are the London Plan (2011) and the London Borough of Camden's Local Development Framework (LDF). There are a number of documents making up the LDF, but those primarily of concern in this instance are the Core Strategy (2011), and the Development Policies (2011). Other documents include the Camden Planning Guidance (CPG), which includes a number of individual documents.

Finally, the National Planning Policy Framework (NPPF), published in 2012, is an important consideration.

Planning history

The relevant planning history at the site is as follows:

June 2013: Planning permission (Ref: 2013/1297/P) refused for “Excavation of a new basement with a lightwell to the front and the rear of the property, to create 3 additional HMO units (Class C4). Alteration to the existing rear single storey extension”. An appeal was subsequently dismissed in **July 2014**.

January 2008: Certificate of lawfulness (Ref: 2007/6309/P) refused for “proposed use as a single family dwelling-house”. The reason for refusal was:

Insufficient evidence has been submitted to demonstrate the current lawful use of the property. Either: 1. the lawful use of the property is as two self-contained flats, in which case the use of the whole property as a single dwellinghouse constitutes a change of use for which planning permission is required; or 2. the lawful use is as an HMO [or possibly a combination of a self-contained flat and an HMO], in which case the use of the whole property as a single dwellinghouse constitutes a change of use for which planning permission is required.

February 2008: Enforcement case (Ref: EN08/0119) opened into “unlawful use of property”. This was subsequently closed in **March 2008** with no action taken as no breach was found

Site and surroundings

The site is a property on the northern side of Howitt Road. It is not listed but is within the Belsize Conservation Area, and is noted as being a positive contributor within the associated conservation area statement.

Evaluation

The proposal follows the recent planning application and associated appeal decision. Reference is required to both when formulating advice on this proposal.

Land Use

The proposal would result in the loss of the existing units currently on site. Although the current accommodation has been put forward in the past as being a House of Multiple Occupation (HMO) it is not clear exactly what its *lawful* planning use is. It would be useful to establish this, and this would simplify things going forward.

The building is currently laid out as self-contained accommodation. However, planning permission has never been granted for this, although if the current layout has been in place for 4 years then its use as self-contained flats would become lawful. For the lawful use to be as a HMO it would have to have been used in that way for 10 years continuously, and I am not aware that this can be demonstrated.

You are requested to provide further information on this if it is available, as it dictates how the proposal to change the use to 2 flats would be assessed. Policy DP9 would apply if the site is considered to be a HMO. It notes that the Council would resist the loss of a HMO where it is capable of meeting relevant standards or where no

adequate replacement is provided¹. It is in my view difficult for you to address these criteria.

If the site is considered to be self-contained flats then the assessment becomes more straightforward in my opinion. There would be a sensible argument that the proposal to provide larger units is an improvement on the small units that are there now. Reference is required to the section below on *Quality of the resulting residential accommodation* below for further detail.

Conservation and design

The external alterations appear to be restricted to the rear. No elevations have been provided so my comments are limited to the floorplans and what they indicate or suggest. They show the existing closet wing extension to be slightly enlarged by filling in part of the side nearest the house, and this is similar to the previous planning application. A window would be replaced with either a larger window or an opening door. In addition, it is not clear if the window/door in the rear of the existing property is to be replaced.

Policy CS14 of the Core Strategy and policies DP24 and DP24 of the Development Plans concern design. Whilst elevations would be required to show the exact details there are no concerns about the principle of what is proposed. The alterations to the rear appear relatively minor and if detailed correctly would be unlikely to harm the character and appearance of the conservation area.

Quality of the resulting residential accommodation (including Lifetime Homes and housing mix)

Policies CS5, DP2, DP5, and DP6 concern the quality of the accommodation. As referred to earlier a key benefit to the proposal would be if it were to result in the replacement of poor quality units with higher quality units.

The proposal is to provide for a 2 bedroom unit for 4 persons at basement and ground floor level, and a 3 bedroom unit for 5 persons at first and second floor. Both would (presumably) be market units, and there is a very high priority for 2 bedroom units, with 3 bedroom units being a medium priority.

The units would measure 82sqm and 132sqm, each in excess of the minimum standards advised within the London Plan and CPG2. Each unit would be well laid out with outlook to both the front and rear. The lower unit would have access to the garden. The upper unit would not, which is unfortunate, but there does not appear to be a practical way of providing access for both. For conversions it is important that the provisions of Lifetime Homes are considered and incorporated wherever possible. However, it is appreciated that it is rarely possible to ensure complete compliance when converting an existing property.

There was concern previously that the recent planning permission could create problems due to additional cycles and refuse having to be stored in the front area or inside the property. It would appear that the latest proposal could improve on the current situation. The reduction in potential units would reduce the requirement for refuse and cycling such that they could more easily be provided on site in such a way that they would not compromise the quality of the accommodation or neighbouring amenity.

Overall, I consider the quality of the accommodation to be good, and an improvement on what is there now.

¹ There are other criteria within the policy but they are not considered to apply in this instance.

Neighbouring amenity

Policies CS5 of the Core Strategy and DP26 of the Development Policies concern neighbouring amenity. The proposal to reduce the number of units would not be expected to increase the impact on neighbours, and would in all likelihood reduce it. The number of persons in the property as a whole, and consequently the number of persons arriving and leaving, the amount of refuse and cycling, would probably reduce.

The altered closet wing extension would not project any further than it does now, and the position of windows and doors would not result in any overlooking. Therefore, the impact on neighbours would be acceptable.

Highways and transportation

The proposal would result in two flats. Policy DP18 advises that new residential units in areas where there is good access to public transport should be car free. The site is very near to Belsize Park Underground Station and there are a number of bus routes on Haverstock Hill, and so a car free development is likely to be sought, which would be secured through a section 106 legal agreement.

Other matters

There would be no requirement for affordable housing given the scale of what is proposed. There would be no greater impact on trees than is currently the case. The basement excavation which featured in the recent planning application is not part of these proposals, which greatly simplifies the matter.

Conclusion

It remains unclear exactly what the *lawful* use of the property is, even though I consider the current layout to be self-contained units. It is requested that this be explored further. The process is arguably more straightforward if it is shown to be small self-contained units as there is a sensible argument that the provision of higher quality self-contained units is an improvement; the units proposed provide a higher quality of accommodation than an improvement on what is currently there. The impact on the conservation area cannot be entirely confirmed as being acceptable given that there are no elevations, although it is expected that, subject to detailing, it is likely to be acceptable. There is not expected to a detrimental impact on neighbours, and no other issues are anticipated.

Procedures

If you decide to submit an application then please ensure that you submit all the required information in accordance with the validation checklist, details of which can be obtained from the council's website:

<http://camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/making-an-application>.

In addition to the necessary forms, certificates, and drawings to fully illustrate what is proposed my view is that you would need to provide details relating to Lifetime Homes to demonstrate how the proposal would/would not accord. This could either be in the form of a document or an annotated drawing. If you wish to submit further information then it is suggested that it address the quality of the accommodation, including cycling and refuse. However, I do not consider this essential in order for it to be a valid planning application.

If you have any queries about the above letter or the attached document please do not hesitate to contact **Christopher Heather** on **020 7974 1344**.

Thank you for using Camden's pre-application advice service.

Yours sincerely

Christopher Heather
Senior Planning Officer
West Area Team