

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990**

**SITE AT FLAT 1, 86 CANFIELD GARDENS, LONDON NW6 3EE**

**PLANNING APPLICATION BY**  
**MS HEMAL PATEL**

**PLANNING STATEMENT**

October 2016

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## **1. INTRODUCTION**

- 1.1 This Planning Statement accompanies the planning application submitted by Ms Hemal Patel for the '*Vertical sub-division of existing ground and basement level four bedroom maisonette (Flat 1) to provide 2no. three bedroom maisonettes (no changes proposed to external appearance)*' at Flat 1, 86 Canfield Gardens, London NW6 3EE.
- 1.2 This statement should be read in conjunction with the application drawing set. The 'as existing' elevation drawings are annotated to confirm that this application proposes no changes to the external appearance of the property.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site, which is situated within the South Hampstead (formerly Swiss Cottage) Conservation Area, is located on the north side of Canfield Gardens, and is occupied by a three storey semi-detached property which has been converted into five flats (numbered Flats 1 to 5). This planning application concerns Flat 1 which is a ground floor and basement maisonette with a gross internal floor area (GIA) of approximately 300 square metres and 9 habitable rooms. The applicant also owns the top floor flat known as Flat 5.
- 2.2 Flat 1 incorporates a recently-constructed, two storey rear extension served by light wells. Beyond this, there is a deep rear garden which is for the exclusive use of the ground floor flat. The garden includes a number of mature trees and other established planting. A small landscaped garden, with a central pedestrian entrance and a refuse and recycling store, is found at the front of the property.
- 2.3 Canfield Gardens is a residential street which is fronted by properties of similar scale and design on each side. Many properties have been converted into self-contained flats, and many include rear and roof level extensions.
- 2.4 Canfield Gardens forms part of a controlled parking zone. The application site occupies a relatively accessible location within convenient walking distance of local shops, public transport and other services. Flat 1, which is owned and occupied by

the applicant and her family, is not subject to a 'car-free' restriction. Flat 5 is also not subject to a 'car-free' restriction.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 The application site has an extensive planning history. Planning permission was granted in April 1955 for the conversion of the property into 5 self-contained flats.
- 3.2 Planning permission was granted on 27<sup>th</sup> July 1988 under reference 8803556 for the erection of an extension to the existing rear ground floor conservatory.
- 3.3 Planning permission was granted on 20<sup>th</sup> August 2002 under reference PWX0202339 for the conversion of the loftspace to provide additional accommodation for the 3<sup>rd</sup> floor flat, including the installation of rooflights at the front and rear, and new windows and a balcony to the front elevation.
- 3.4 Planning permission was granted 5<sup>th</sup> February 2008 under reference 2007/5816/P for the installation of two rooflights in the front roof slope, two rooflights in the side roof slope, two rooflights on the flat roof of the main roof, and two dormer windows in the rear roof slope (to allow loft conversion), the replacement of the window at front second floor level with a door and installation of railings to the first floor flat roof in connection with its use as a balcony, and the installation of an enlarged window at front second floor level, all in connection with the existing second floor flat.
- 3.5 Planning permission was refused on 20<sup>th</sup> March 2008 under reference 2007/5815/P for additions and alterations including the excavation of a lower ground floor with two glass covered lightwells to the front elevation and a rear lightwell, the rebuilding of the rear extension to include minor alterations to fenestration and the removal of the rear bay window, alterations to the boundary treatment and the creation of two off-street parking spaces in the front garden, all in connection with the change of use of the existing ground and first floor maisonette to a four bedroom flat at lower ground/ground floor levels and a one bedroom flat at first floor level. The application was refused for its impact on the front boundary treatment and local parking conditions.

- 3.6 Planning permission was granted in 8<sup>th</sup> August 2008 under reference 2008/2708/P for a similar form of development as proposed under application 2007/5815/P but with the omission of the forecourt parking. The consent was subject to the terms of a S.106 Agreement for car-free housing in respect of the additional residential unit and the submission of a Construction Management Plan.
- 3.7 Planning permission was granted on 27<sup>th</sup> March 2013 for the erection of two rear dormer windows, the installation of two front and two side rooflights, two rooflights to the flat roof together with alterations to the windows at second floor level, all in connection with the second floor flat.
- 3.8 A planning application (2013/3855/P) for the *'demolition of existing conservatory extension, excavation of lower ground floor to provide habitable accommodation, construction of lower ground floor and ground floor rear extension, formation of front and rear lightwells, all in connection with conversion of existing ground floor flat into 2no. three bedroom maisonettes at lower ground and ground floors'* was deemed to be withdrawn on 8<sup>th</sup> March 2016. This follows officer's support for the scheme, and its favourable processing through the members' briefing procedure.
- 3.9 Planning permission was granted on 21<sup>st</sup> October 2014 under reference 2014/2282/P for *'excavation of basement with the creation of lightwells and associated openings to front and rear, erection of extension incorporating basement and ground floor levels and alterations to openings to rear and side elevations all in connection with flat 1 (Class C3)'*. The permission was subject to the terms of a S.106 agreement of the same date which required the approval of and compliance with a Construction Management Plan (CMP), and the payment of a highways contribution for works to the footway in the vicinity of the site. This planning consent was implemented in full.

#### **4. THE APPLICATION PROPOSAL**

- 4.1 The application scheme proposes internal works which would result in the vertical sub-division of the existing basement and ground floor maisonette into 2no. three bedroom maisonettes. These units are identified as Flats 1 and 6 on the proposed drawings. Each dwelling would be internally accessed from the existing communal

hall. No changes are proposed to the external appearance of the property.

- 4.2 As previously stated, the applicant owns and occupies Flat 1, and also owns the top floor unit, Flat 5. Neither flat is currently subject to a 'car-free' restriction. Following the completion of the proposed development, the subject of the current planning application, the applicant intends to return to live at the property in the larger maisonette which is identified on the application drawings as Flat 1. If the Council seeks to impose a 'car-free' restriction (through a S.106 agreement) as a result of the net increase in units at 86 Canfield Gardens, the applicant requests that this is applied to Flat 5. The reasons for this are set out below.

## **5. RELEVANT PLANNING POLICY**

### ***National Planning Policy Framework (NPPF)***

- 5.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development which is defined to comprise economic, social and environmental dimensions. The planning system should (i) contribute to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places, (ii) support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment accessible to local services, and (iii) contribute to protecting and enhancing the natural, built and historic environment, including through the prudent use of resources, the minimising of waste and pollution, and moving to a low carbon economy.
- 5.2 The NPPF seeks to boost significantly the supply of housing. LPAs should use their evidence base to ensure that the Local Plan meets the full needs for market and affordable housing, and housing applications should be considered in the context of the presumption in favour of sustainable development. LPAs should seek to deliver a wide choice of high quality homes by planning for a mix of housing sizes, and create sustainable, inclusive and mixed communities.

### ***The statutory development plan***

- 5.3 The statutory development plan comprises the London Plan of July 2011 (subject to Revised Early Minor Alterations 2013 and to Further Alterations 2015/16), the Camden Core Strategy which was adopted in November 2010, and the Camden Development Policies DPD which was also adopted in November 2010. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the development plan unless material considerations indicate otherwise.

### ***The London Plan***

- 5.4 The London Plan places a high priority on the provision of additional housing. Paragraph 3.13 states that “*the Mayor is clear that London desperately needs more homes in order to promote opportunity and real choice for all Londoners.....*”. This objective is reflected in Policy 3.3 which states that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target as set out in revised Table 3.1. For Camden borough, Table 3.1 identifies a minimum ten year housing target for the period 2015 to 2025 of 8,892 new homes equating to an annual level of 889 units.
- 5.5 The Mayor’s Housing Standards Policy Transition Statement (October 2015) requires new dwellings to meet minimum space standards as set out in the nationally described space standards. The minimum standard for 6 person, 3 bedroom units of 2 storeys is 102 square metres (GIA).

### ***The Core Strategy***

- 5.6 The following policies of the adopted Core Strategy, as summarised, are considered to be relevant to the issues raised by this planning application:-
- Policy CS1 seeks to direct growth in Camden to the most suitable locations. Development should make full use of its site whilst respecting context and taking into account the quality of design;

- Policy CS5 states that the Council will manage the impact of growth and development in Camden including the need to protect and enhance heritage assets; and
- Policy CS6 states that the Council will aim to make full use of Camden's capacity for housing which will be regarded as the priority land-use.

#### *Camden Development Policies DPD*

5.7 The following policies of the Camden Development Policies DPD, as summarised, are considered to be relevant to the issues raised by this planning application:-

- Policy DP2 seeks to make full use of Camden's housing capacity;
- Policy DP5 states that the Council will seek to provide a mix of dwelling sizes reflecting stated priorities; and
- Policy DP18 states that the Council will seek to ensure that developments provide the minimum necessary parking provision. Development will be 'car-free' in areas within Controlled Parking Zones that are easily accessible by public transport.

#### ***Camden Planning Guidance***

- 5.8 Camden Planning Guidance 2 (Housing) (CPG2) lays down a series of residential development standards. Family-sized units should have access to private gardens.
- 5.9 Camden Planning Guidance 7 (Transport) (CPG7) states that existing parking rights can normally be retained on development sites where it can be demonstrated that existing occupiers are to return to the address on completion, for example where a dwelling is to be sub-divided.

## 6. PLANNING CONSIDERATIONS

### *Principle of additional dwelling*

- 6.1 The existing basement and ground floor maisonette (Flat 1) is very large; it has a GIA of approximately 300 square metres, and incorporates 9 habitable rooms. This exceptionally large private dwelling which does not make best use, in market housing terms, of the available floorspace.
- 6.2 The application scheme would provide 2 no. family-sized, three bedroom units for which there is a strong demand, as confirmed by Policy DP5. The proposal would add to overall housing supply, and is therefore supportable under London Plan Policy 3.3, Core Strategy Policy CS6, and Development Policy DP2. It also accords with guidance in the NPPF which seeks to boost housing supply significantly.
- 6.3 The officer's report on withdrawn application 2013/3855/P for the excavation of a basement, the extension of the property, and the conversion of the ground floor flat to 2no. three bedroom maisonettes stated that:-

*'Housing is regarded as a priority land use of the LDF....the proposed flat would assist the Council to meet the strategic housing target for the Borough...Policy DP5 states that there is a demand for 3 bedroom units.....overall, the creation of a new 3 bedroom dwelling and the alteration of the existing 3 bedroom flat at ground and basement level is considered to be acceptable'.*

- 6.4 The principle of providing an additional family-sized dwelling at the application site is therefore considered to be wholly supportable in policy terms.

### *Layout & Amenity*

- 6.5 Both dwellings would comfortably exceed the national minimum space standard of 102 square metres (GIA) for a 3 bedroom, 6 person, two storey dwellings. The units would have floor areas of 130 square metres in the case of Flat 6, and 166 square metres in the case of reconfigured Flat 1 (both as identified on the application drawings).



- 6.6 Both units would also incorporate dual aspect outlook, and the main daytime habitable areas would be located at ground floor level. Satisfactory light and outlook would be provided to all bedrooms via the front and rear lightwells. These layout principles have been fully established by implemented planning consent 2014/2282/P. Each unit would have access to part of the rear garden.
- 6.7 The provision of an additional dwelling would have no material impact on neighbour amenity, and no such concern was raised by officers in respect of withdrawn application 2013/3855/P. Many properties in Canfield Gardens have been converted into flats, and are relatively intensively occupied. Furthermore, the application scheme does not propose additional floorspace, and the level of overall occupation would not necessarily increase as a result of the proposal. The absence of any changes to the external appearance of the building provides a further safeguard to the living conditions of adjacent residents.

#### *Car-Free Issues*

- 6.8 The applicant, who lives with her family at the application property and has two parking permits associated with Flat 1, intends to return to live in reconfigured Flat 1 on completion of the proposed sub-division. CPG7 allows for returning occupiers to retain existing parking rights following works of this kind. On this basis, a 'car-free' restriction for just one dwelling would be justified in connection with the application scheme under Policy DP18.
- 6.9 The applicant requests that the 'car-free' restriction for the net increase of one dwelling be applied to her top floor flat (Flat 5) rather than the new dwelling (proposed Flat 6). Both existing Flat 5 and proposed Flat 6 are 3 bedroom units, and the units are of comparable size. However, proposed Flat 6 would be more suited to family occupation in terms of ease of accessibility from the ground floor communal entrance, and by virtue of access to a private garden. It is considered that a family's need for a car is greater, and it would therefore be more reasonable to apply the 'car-free' restriction to Flat 5.
- 6.10 The principle of applying a 'car-free' restriction to an existing flat in the same building (and in the same ownership), rather than to a proposed unit, was accepted

by officers on withdrawn application 2013/3855/P (see paragraph 9.1 of officer's report). In that case, officers were proposing that two units at the application site should be 'car-free' because the applicant was not in occupation at that time.

## **7. CONCLUSIONS**

- 7.1 The proposal would result in a net increase of one dwelling at 86 Canfield Gardens. This increase in housing supply is supported by all level of planning policy. Furthermore, family-sized, 3 bedroom accommodation would be provided with access to a private garden. The new accommodation would be of a high standard in terms of size, layout and outlook. This accommodation would be provided in a sustainable location close to public transport and other services.
- 7.2 The proposal would not result in any material increase in the demand for on-street car parking associated with the property at 86 Canfield Gardens because the net increase of one dwelling would arise in connection with the imposition of a 'car-free' restriction on one dwelling. The Council's planning guidance acknowledges that existing occupiers who will return to their property following a conversion scheme should retain their right to parking permits.
- 7.3 The proposal is therefore considered to accord with the development plan and related planning guidance.

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