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SMPlanning

80-83 Long Lane,
London,
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9th March 2017

Via Online Planning Portal submission only
FAO John Diver

Dear John

Planning Application – 91 Savernake Road, London, NW3

Background/Planning History/Lawfulness

91 Savernake Road was historically a single-family dwelling, until June 2010 where it is understood the property was subdivided into two x self-contained flats with an area of HMO / non-self-contained residential floor space at first floor level. It is unclear when the subdivision works exactly took place, and on this basis, it is difficult to prove the lawfulness of the existing use, either for the above layout or as a single dwelling.

Therefore, a planning application is made to establish the use of the property as single dwelling, with the relevant planning policies taken into consideration.

No extensions or external alterations are proposed as part of this application.

Current Layout

The property is currently laid out in three distinct elements, and as noted above this is believed to have occurred on/before June 2010 when Council Tax records were amended.

- 1) *Ground Floor Flat (with Basement Storage) with floor area of 81.22sqm (GIA)*
The flat has 1 bedroom, kitchen, bathroom, and reception room. The flat also has its own Independent access / lockable door off the main corridor at ground floor level.
- 2) *First Floor HMO/Non-Self Contained with floor area of 70.18sqm (GIA)*
This accommodation has two bedrooms, with bathroom and kitchen area. Crucially, the flat does not have its own independent access, and therefore fail the test of self-containment (must be behind a single door which only that household can use)
- 3) *Second and Third Floor Flat with floor area of 76.25sqm (GIA)*
The flat has 1 bedroom, kitchen, and bathroom. This flat also has its own independent access/lockable door at the entrance to the staircase at 2nd floor level.

Proposed Layout

The proposal is for the property to be refurbished internally and used as a single dwelling (227.65sqm). Plans are submitted with the application to illustrate the proposed layout.

Planning Policy

The Statutory Development Plan is the Camden Core Strategy and Development Policies documents forming the Local Development Framework (2010). The emerging London Borough of Camden Local Plan is reaching the final stages of its public examination, with the Inspectors report anticipated in April 2017. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight. In any case, both documents are analysed for consistency with planning policy.

Loss of HMO / Non-Self Contained Residential Floorspace

As noted above, the first-floor accommodation is laid out as a HMO / non-self-contained residential unit, by virtue of it not having a single door which only that household can use. The use of the first floor is likely to fall within Class C4: HMO (3-6 Occupants). This is on the basis there are two double bedrooms, however this could also be classed as C3(c): those living together as a single household who do not fall within the C4 definition of a house in multiple occupation. This remains unclear, as the property is vacant.

If the property is considered C3(c), then a change to C3 as part of a single dwelling would be permitted development. If the use is considered a 'C4' use then Policy DP9 (Student housing, bedsits and other housing with shared facilities) is the likely to be the main policy of relevance in the LDF. The thrust of this policy (in part m) resists the net loss or self-containment of bedsit rooms or of other housing with shared facilities unless *"it can be demonstrated that the accommodation is incapable of meeting the relevant standards for houses in multiple occupation, or otherwise genuinely incapable of use as housing with shared facilities"*

The first floor does not benefit from a HMO licence required to legally let to tenants. The 1st floor would also involve serious refurbishment and refinement to meet current housing executive standards, including detailed points falling within the following criteria: -

- Facilities for storage, preparation, and cooking of food and for the disposal of waste water
- Personal washing facilities & sanitary conveniences
- Means of escape from fire and other fire precautions

The policy goes on to say *'Where the Council is satisfied that a development involving the loss of student housing, bedsit rooms or other housing with shared facilities is justified, we will expect the development to provide an equivalent amount of residential floorspace for permanent housing in Use Class C3, including an appropriate amount of affordable housing, having regard to policy DP3'*

The proposal is to use the first-floor area as part of a wider single dwelling and so there is no loss of 'residential' floorspace. Affordable housing is not applicable, give the number of units and floorspace involved. On this basis, the proposal accords with policy DP9, should this policy be deemed a relevant consideration.

Policy H10 (houses in multiple occupation) within the emerging The Local Plan, is near identical to the sentiment of policy DP9 and is therefore not repeated.

Conversion of two dwellings into one

With the HMO consideration detailed above, the main LDF policy of reliance relating to the resulting conversion of two dwellings into a single dwelling is policy DP2 (Making full use of Camden's capacity for housing). The policy states the council will resist developments that involve the net loss of two or more homes. The subtext in Para 2.23 states *"The Council does not seek to resist schemes combining dwellings that involve the loss of a single home"*.

Policy H3 (Protecting existing homes) of the emerging local plan, has protections afforded to loss of residential floorspace, and like policy DP2 also resists the net loss of two or more homes.

The proposal is for the loss of one residential unit/home, and there is no loss of residential floorspace. The proposal therefore complies with the above policies.

Overview

On the basis of the above, the proposals to convert the property to a single dwelling would accord with local and national policy and therefore planning permission should accordingly be granted.

If there are any questions, or required points of clarification please contact me as soon as possible.

Yours sincerely

Stuart Minty
Director
SM Planning