

Application ref: 2018/5855/P
Contact: Kate Henry
Tel: 020 7974 3794
Date: 8 May 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
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London
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Phone: 020 7974 4444

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Graham Ford Architects
Britannia House
11 Glenythorne Road
LONDON
W6 0LH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

First Floor
37 Estelle Road
London
NW3 2JX

Proposal:

Conversion of HMO unit, spare room and communal bathroom (Sui Generis) at first floor level to self-contained flat (Class C3) (to a total of 3x self-contained flats in the building); replacement windows to front

Drawing Nos: PL1000; PL1001; PL1010; PL2000; PL4000; Ground floor plan (untitled); Planning Statement, dated November 2018.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: PL1000; PL1001; PL1010; PL2000; PL4000; Ground floor plan (untitled); Planning Statement, dated November 2018.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting I/III

This application relates to the first floor of a three storey, mid-terraced building in the Mansfield Conservation Area. Currently, the first floor level comprises of a studio bedsit with en-suite bathroom at the rear, a bathroom in the middle room and a non-self-contained flat in the front room, with exclusive use of the aforementioned bathroom. The self-contained room at the rear fails to meet the Council's minimum HMO standards and therefore cannot be let and is vacant. The room to the front is also currently vacant.

This application seeks to create a self-contained flat at first floor level by creating openings from the rear and front rooms into the middle room, and the installation of a partition to create a corridor. The plans illustrate a bedroom with en-suite bathroom, an open plan kitchen/living area and a study; however, it is considered that the study could be used as a bedroom by future occupiers as it meets the nationally described space standard.

Policy H10 of the Local Plan generally resists development that involves the net loss of housing with shared facilities or the self-containment of any part of such housing; however, exceptions can be made in cases where 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. In this case, the rear room fails to meet the Council's minimum HMO standards due to its size and is therefore vacant without prospect of being occupied in the future. This results in there being only

one HMO room at first floor level capable of being occupied, with sole access to the adjacent bathroom. This situation, whereby the single HMO unit at first floor level does not share its facilities and is sandwiched between self-contained flats at ground and second floor level, is not considered to provide a good standard of living for future occupiers, particularly as the occupiers of the second floor flat must pass the bathroom and HMO room to access their flat. On this basis, the proposed change of use to create a self-contained flat is considered to be acceptable, taking into consideration the fact that self-contained housing is the priority land use of the Local Plan. Furthermore, the proposal contributes to meeting the priorities set out in the Dwelling Size Priorities Table (Policy H7) insofar as 2-bed units have high priority.

2 Reasons for granting II/III

Policy H10 states that, where the Council is satisfied that a development involving the net loss of homes with shared facilities is justified, the Council will expect it to create an equivalent amount of floorspace for permanent self-contained housing (in Use Class C3), secured as a long-term addition to the supply of low cost housing, or otherwise providing an appropriate amount of affordable housing, having regard to Policy H4. A contribution towards affordable housing in line with Policy H4 is not required as the proposal does not meet the relevant threshold (total addition to residential floor space of 100sqm GIA or more); and neither is it considered to be appropriate in this case to secure the newly created self-contained flat as "affordable" (i.e. social rented housing, affordable rented housing or intermediate housing) due the difficulties involved in finding a Registered Provider to take on one unit in a building, or the difficulties in providing shared-ownership or discounted market housing that was truly affordable to Camden residents; and also the fact that CPG Housing (Interim) notes that the Council will not generally support schemes in which affordable and market dwellings share communal areas or staircases etc, because occupiers have to pay a service charge and/or management charge for the cleaning and maintenance of communal spaces and these charges can often represent a significant proportion of the overall housing costs and can be too high for affordable occupiers. On this basis, the provision of market housing represents a suitable solution.

The proposed self-contained flat would provide a good standard of living accommodation for future occupiers. It would be self-contained with its own private entrance; it would have good room sizes and ceiling heights; it would be dual-aspect and is therefore likely to benefit from good levels of daylight and sunlight; and there would be a permanent partition between eating and sleeping areas. Whilst the flat would not have its own private outdoor amenity space, the application site is within short walking distance of Hampstead Heath.

The proposed works involve the installation of timber windows to match the existing, which is considered to be acceptable. Otherwise, the proposal does not affect the external appearance of the host building.

It is not considered that the proposed development would cause undue harm to the residential amenities of nearby and neighbouring properties as the existing

and proposed uses are both residential. Neighbouring occupiers were consulted on the application. One objection has been received prior to making this decision which has been duly taken into account prior to making this decision. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

The application site is within a controlled parking zone and has a PTAL rating of 3 (average). Policy T1 of the Local Plan encourages the promotion of sustainable transport by prioritising walking, cycling and public transport. The London Plan requires the provision of 1x long stay cycle parking space for a studio or 1-bed unit and 2 spaces for all other dwellings. The proposal does not include cycle parking provision; however, given the constraints of the application site this is considered to be acceptable in this case.

3 Reasons for granting III/III

Policy T2 of the Local Plan requires new development in the borough to be 'car-free' and CPG7 Transport provides further guidance, noting that car-free housing may be sought wherever development involves the creation of one or more additional dwellings - whether newly built, or created by a conversion or change-of-use. On this basis, a legal agreement will secure the new dwelling as 'car-free'.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies H1, H7, H10, A1, D1, D2, T1, T2, CC1 and CC2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2019.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 6 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team

London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 7 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

