

Josh Lawlor
Camden Planning Department
5 Pancras Square
London
N1C 4AG

Dear Mr Lawlor

114 Fitzjohn's Avenue, London NW3 (Planning Application Ref. 2019/0350/P)

We are writing on behalf of Jennifer Kemmeter to set out the case for granting planning permission for the conversion of Flats 1 and 2 of 114 Fitzjohn's Avenue to a 4-bed maisonette on the lower ground and raised ground floor of the property.

The current owners of Flat 1 comprise a family with elderly parents who visit for extended periods of time, which has outgrown their existing accommodation. The family has lived in the property since January 2012 and wish to stay in the same area so that their children do not have to change schools. Space is also required within the flat for a home office, as one of the residents runs a home-based authoring and publishing business from the flat. They therefore wish to convert the two flats into one unit to provide sufficient space for their existing and future accommodation needs.

We are aware that the applicants sought pre-application advice from you, but were advised by email of 15 January 2019 that it was not necessary to submit for pre-application advice as a "*full planning application to convert the two units into one unit would be acceptable and would be approved*". They are therefore extremely disappointed that you are now saying that the application will be refused planning permission due to policies in the Hampstead Neighbouring Plan and seek to set out their case for the proposed conversion as exceptional circumstances. Prior to the purchase of the additional flat (October 2018) the applicant reviewed Camden's policy on conversions in August/September 2018 and were satisfied that Policy H3 would allow them to convert the two flats into one. We note that the Council adopted the Hampstead Neighbourhood Plan on 8 October 2018, which was subsequent to their policy review. It is therefore very disappointing that this change in policy was not allayed to them when they sought pre-application advice.

The Property

Number 114 Fitzjohn's Avenue is a five-storey building (ground, raised ground and three storeys above) on the east side of Fitzjohn's Avenue, in the Fitzjohn's/Netherall Conservation Area. The area is suburban and is characterised by larger properties, many of which have been converted into flats of varying sizes. It is an area which has traditionally comprised larger family units, when compared with others part of Camden nearer to Central London, which have a higher proportion of flatted units.

The property was originally a single-family dwelling, but planning permission was granted on 25 February 1986 (ref. PL/8501774/R2) to convert the property into four self-contained flats. The permission was amended by permission (PL/8601968), granted on 5 January 1987, to form a two bedroom flat at second floor level and a one bedroom flat at third floor level. The current property

therefore comprises five flats and provides a range of unit sizes: one no. 1-bed, three no. 2-bed and one no. 3-bed flats.

As shown on the submitted drawings, existing Flat 1 at lower ground level comprises three bedrooms and a reception/kitchen and three bathrooms; whilst Flat 2 comprises two bedrooms, two bathrooms, a reception room and kitchen. Whilst Flat 2 meets the London Plan Standards (72 sqm compared to the London Plan standard of 70 sqm), some of the rooms, particularly the kitchen, are small for a family.

The Proposed Development

The proposal is to incorporate a staircase between the two floors and to convert the flats into a four-bed maisonette with office space, which would provide the required accommodation for the existing occupiers of Flat 1. The proposed scheme would create two bedrooms at lower ground and two bedrooms at ground floor, along with a dining/kitchen area and office at lower ground and a main reception room at upper ground level. No changes are proposed to the upper floors, so four units would be retained, with a mix of unit sizes (1, 2 and 4-bedrooms) within the property as a whole. The proposed scheme therefore converts the ground and lower ground floor back into a single unit.

The proposed arrangement will allow the existing family to remain in the property. This is particularly important as one of the children has special needs. He is well-settled in his current school, which is located close to 114 Fitzjohn's Avenue. In addition to his dependence on routine and the importance of him maintaining attendance at the special speech and communications programmes at his current school, moving to a new house would be extremely disruptive and severely impact on his socialisation progress to date and would be a huge setback for him. Being able to stay in a familiar home, familiar area and familiar routine is therefore crucial to his educational progress. A copy of his ASD diagnosis can be provided to you on a private and confidential basis, if required.

Policy Context

The National Planning Policy Framework (2019)

The National Planning Policy Framework sets out the Government's planning policies and how these should be applied.

Paragraph 60 states that *"to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for."*

Paragraph 61 states that *"within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities..)"*

Statutory Development Plan

The Statutory Development Plan comprises the London Plan (2016), the Camden Local Plan (2017) and the Hampstead Neighbourhood Plan (2018). The draft London Plan (2017) is currently under examination.

London Plan (2016)

The adopted London Plan recognises the importance of a choice of housing by size and tenure. Policy 3.8: *Housing Choice* states at part A:

“Londoners should have a genuine choice of homes that they can afford, and which meet their requirements for different sizes and types of dwellings in the highest quality environments.”

Part B of the policy sets out the requirement for local authorities to identify the range of needs within their boroughs, including the accommodation requirements for older Londoners (e) and the needs of particular communities with large families (f).

Draft London Plan (2017)

Policy H12 *Housing size mix* sets out the Mayor’s objectives for achieving a mix of unit sizes and the issues that need to be taken into account. These include (amongst other points):

- 1) the range of housing need and demand identified by the London Strategic Housing Market Assessment and, where relevant, local assessments;*
- 2) the requirement to deliver mixed and inclusive neighbourhoods;*
- 3) the need to deliver a range of unit types at different price points across London;*
- 4) the mix of uses in the scheme;*
- 5) the range of tenures in the scheme;*
- 6) the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in more central or urban locations; and*
- 7) the aim to optimise housing potential on sites.*

Part C notes that “Boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes.

Paragraph 4.12.2 re-emphasises that a number of issues should be taken into account when considering an appropriate mix, and that Boroughs should not set policies or guidance that require set proportions of different-sized (in terms of number of bedrooms) market or intermediate units to be delivered. Such policies are inflexible, often not implemented effectively and generally do not reflect the optimum mix for a site taking account of all the factors set out in part A of Policy H12 Housing size mix.

Camden Local Plan (2017)

Strategic Objective 3 of the Local Plan is *“to provide homes that meet the housing needs of existing and future residents in terms of number, affordability, quality, type of property and mix of dwelling sizes. Self-contained housing is the priority use of the Local Plan.”*

Paragraph 3.60 then notes that the character of an area and existing uses in the area and on the site may influence the mix of uses that is most appropriate.

Policy H3 Protecting existing homes

Policy H3 states that “the Council will aim to ensure that existing housing continues to meet the needs of existing and future households”. Part C of Policy H3 states that this will be achieved by

- c. *resisting development that would involve the net loss of two or more homes (from individual or cumulative proposals), unless they:*
- *create large homes in a part of the borough with a relatively low proportion of large dwellings;*
 - *enable existing affordable homes to be adapted to provide the affordable dwelling-sizes that are most needed; or*
 - *enable sub-standard units to be enlarged to meet residential space standards.*

Net loss of two or more homes

Whilst it is acknowledged that there is a need for more housing to reflect the projected growth in the number of households, paragraph 3.74 of the Local Plan recognises that there are situations where the loss of individual homes may be justified. Policy H3 indicates that such losses may be acceptable in a number of situations which includes, as set out at paragraph 3.75 *“when two dwellings are being combined into a single dwelling. Such developments can help families to deal with overcrowding, to grow without moving home, or to care for an elderly relative. Within a block of flats or apartments, such a change may not constitute development. However, the Council will resist the incremental loss of homes through subsequent applications to combine further homes within the same building or site.”*

It is noted that in some areas of the borough (King’s Cross, Holborn, Covent Garden and Kilburn) the Council will in addition accept a net loss of homes when three or more dwellings are being combined to create an additional large dwelling (3 or more bedrooms) (paragraph 3.76). It is important therefore that consideration is given to the characteristics of the specific area in which the proposed scheme is.

Housing Choice and Mix

Paragraph 3.136 of the Local Plan confirms the Council’s aims *“to achieve mixed, inclusive and sustainable communities by seeking a range of housing types suitable for households and individuals with different needs. Seeking a range of housing types, sizes, accessibility and affordability will help (to) ... deliver the Camden Plan by tackling inequality, creating sustainable and resilient neighbourhoods, improving health and wellbeing and securing a supply of housing suitable for individuals and families on low and middle incomes. Tailoring housing types to people’s particular needs will also help us ensure the right housing for Camden’s diverse communities in line with the recommendations of the Equality Taskforce.”*

Policy H7: *Housing Choice* states:

The Council will aim to minimise social polarisation and create mixed, inclusive and sustainable communities by seeking high quality accessible homes and by seeking a variety of housing suitable for Camden’s existing and future households, having regard to household type, size, income and any particular housing needs...”

We will seek to secure a variety of housing suitable for existing and future households overall across development in the borough.

This includes meeting the needs across the spectrum of household incomes (e) and provision suitable for families with children, older people, people with disabilities (h) and a range of dwelling sizes in accordance with Policy H7 Large and small homes.

Policy H7 Large and small homes

Policy H7 also notes that the Council *“will aim to secure a range of homes of different sizes that will contribute to creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply.”*

Paragraph 3.186 of the Local Plan states that *“Camden’s existing stock of homes is made up largely of relatively small dwellings”* (the 2011 Census indicates that 70% of Camden households live in homes with two bedrooms or fewer, rising to 75% for households in social rented housing), resulting in overcrowding, but that the average household size in Camden grew from 2.06 in 2001 to 2.18 in 2011. There is therefore a requirement to provide some larger units across Camden.

Hampstead Neighbourhood Plan (2018)

The Hampstead Neighbourhood Plan (2018) sets out the key objectives for the Hampstead area and identifies five character areas, *“each with its own identity and individual character”*. These comprise the Village Core, Outer Village, Nineteenth Century Expansion, outlying areas and Hampstead Heath. The plan notes that these areas are of *“varying character distinguished not only by history and topography, but also by the “public aspect” of the buildings – the way that built form relates to landscape, open spaces, and streets.*

The Neighbourhood Plan recognises at paragraph 8.1 that Hampstead’s community is diverse. In consequence, it is considered that there is a need for a variety of residential accommodation. In terms of housing, paragraph 8.6 notes that *“Hampstead is well served by large family dwellings: houses make up 32% of all accommodation, up from 29% in 2001 (the rest of the Borough is 15% in houses and 85% in flats)... but is poorly served by smaller, lower cost units for those who do not own, or do not wish to own property.”* Paragraph 2.19 notes that there are some 1,902 houses and 3,992 flats. Between 2001 and 2011 there was a loss of 164 households (0.027%).

Policy HC1: Housing Mix

Policy HC1 states

- 1. In order to promote the mix of housing needed within the Neighbourhood Plan area, particularly for social affordable and smaller dwellings, the following proposals will be supported:*
 - a. development that increases the provision of social affordable, intermediate and community-led housing in line with the Local Plan (Policy H4) and national planning policy;*
 - b. the development of larger, 3- and 4-bedroom units, for social affordable dwellings;*
 - c. the inclusion of small self-contained dwellings, either studio or 1 or 2 bedrooms, in all new non-social housing development.*
 - d. provision of small units as intermediate affordable housing.*
- 2. Except in exceptional circumstances, housing proposals will not be supported which would result in the loss of small self-contained dwellings, either studio or 1 or 2 bedrooms, in conversions.*

Appendix 1 of the Neighbourhood Plan notes in relation to Policy HC1 that *“more than 90% of respondents supported the objective to “ensure a balance of dwelling types to meet the needs of Hampstead’s diverse community of professionals, families and older residents.”*

Camden SHMA (2016)

The Camden SHMA formed part of the Evidence Base for the adopted Local Plan.

Paragraph 22 of the SHMA states that for Camden as a whole, *“analysis shows a housing need for market housing of 6,600 additional homes; mainly three-bedroom properties. Housing need for affordable housing comprises 10,200 homes, mainly two and three bedroom properties. This need for larger (three bedroom) housing reflects the assumption that the current needs of all overcrowded households in rented housing will be addressed over the Plan period. If larger homes are not provided to alleviate overcrowding, many households will continue to occupy their smaller homes – so these properties will not be vacated, and there will continue to be pressure from new households applying to live in 1- and 2-bedroom properties.”*

Assessment of the Application Scheme

The Neighbourhood Plan acknowledges that there are different character areas within Hampstead and as such, it is considered that there will be a different requirement for accommodation in each, reflecting their character. In consequence a blanket restriction on the conversion of flats (and loss of smaller units) is not considered appropriate and the specific characteristics of the property and the surrounding area need to be taken into account, along with the household needs.

Whilst the Hampstead Neighbourhood Plan states that Hampstead is well served by large family dwellings, with houses making up 32% of all accommodation and is poorly served by smaller, lower cost units, it is not clear where this evidence comes from and whether a specific housing needs assessment for Hampstead has been done to confirm this. In contrast, the 2016 SHMA which forms the evidence for the local plan suggests a need for larger units in the borough. The existing policy restriction on the loss of smaller units in Hampstead therefore appears arbitrary, particularly as there are a number of blocks of flats under construction in Hampstead which will provide additional smaller units in the area.

The importance of providing a range of accommodation sizes to meet different household needs is set out in Policy 3.8 of the London Plan (2016). Moreover, the emerging London Plan recognises the need to deliver mixed and inclusive neighbourhoods, providing a range of unit types, and specifically states that Boroughs should not set prescriptive dwelling size mix requirements. The Camden Local Plan (2017) allows for development which results in the loss of one unit (Policy H3), particularly where this results in accommodation that better suits the existing family, as is the case here. Paragraph 3.75 of the Local Plan specifically allows for the conversion of two dwellings into a single dwelling and notes that *“such developments can help families to deal with overcrowding, to grow without moving home, or to care for an elderly relative. Within a block of flats or apartments, such a change may not constitute development. However, the Council will resist the incremental loss of homes through subsequent applications to combine further homes within the same building or site.”* In the case of the application property, the resulting mix will be a one 1-bed, two 2-bed and one 4-bed unit and will therefore retain 1 and 2-bedroom accommodation. The application therefore accords with Policy H3.

As noted above, the applicant is the existing occupier of Flat 1 and has lived there for over seven years. The need for additional space for the extended family to allow them to remain there and the specific educational requirements for one of the children with special needs, are considered exceptional circumstances which justify the loss of one 2-bed unit in order to provide appropriate accommodation for the family's specific needs. This is particularly so as a move to a larger house would be unaffordable for them.

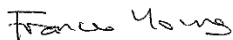
The proposed conversion of the two flats into a 4-bedroom maisonette is therefore considered an exceptional circumstance in relation to Policy HC1 of the Hampstead Neighbourhood Plan, as the accommodation will be used by an existing family in Hampstead, who have grown and now need additional space in order to allow them to stay in their home; the proposed accommodation reflects the general character of the area; and three small accommodation units will be retained within the existing property.

Conclusion

It is considered that the proposed conversion of Flats 1 and 2 to create a four-bedroom maisonette at 114 Fitzjohn's Avenue will meet the needs of the existing household and allow the family to remain in their home. This is particularly important due to the disruption to the family if they were required to move. The resulting housing mix will contribute to the range of housing sizes within the property and will ensure that small and larger households, especially families and extended families, are able to live in Hampstead. It is therefore requested that the case be considered exceptional circumstances, in relation to part 2 of Policy HC1 of the Hampstead Neighbourhood Plan, and that planning permission be granted for the proposed conversion of the two flats into one maisonette.

Please do not hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in black ink that reads 'Frances Young'.

Frances Young

Director

c.c. Jennifer Kemmeter