

Delegated Report		Analysis sheet	Expiry Date:	12/07/2019
		N/A / attached	Consultation Expiry Date:	17/03/2019
Officer			Application Number(s)	
Josh Lawlor			2019/0350/P	
Application Address			Drawing Numbers	
Flat 1 114 Fitzjohn's Avenue London NW3 6NT			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Conversion of ground floor three bed unit with first floor two bed unit into a single unit (C3)				
Recommendation(s):	Refuse Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed near to the site on the 20/02/2019 (expired on 16/03/2019)</p> <p>The application was advertised in the local press between the 21/02/2019 – 17/03/2019</p> <ul style="list-style-type: none"> No comments were received following this consultation process 					
Local groups	<p>The Hampstead Neighbourhood Forum and Fitzjohns / Netherhall CAAC were notified about the application. No responses were received in response to this.</p>					

Site Description

The site is a four storey plus dormer building located within the Fitzjohns Netherall Conservation area. The building is in use as five self-contained residential units over five floors. Each unit is self-contained and operates as a distinct planning unit.

The application relates to the lower ground floor (flat1) which is a three bedroom unit and upper ground floor (flat 2) which is a two bedroom unit.

Planning History:

114 Fitzjohns Avenue NW3

8501774 Change of use and works of conversion and alteration to form four self-contained flats including the erection of a rear extension and an additional storey Granted 18/02/1986

8601968 Amendment to planning permission (Ref:8501774) granted on 18th February 1986 for change of use and works of conversion to form a two bedroom flat at second floor level and a one bedroom flat at third Granted 18/12/1986

Flat 1 114 Fitzjohns Avenue NW3

2013/5103/P Erection of a single storey rear extension at ground floor level of existing garden flat (Class C3) Granted 05/11/2013

2014/6927/P External alterations including the installation of railings to front boundary wall and side boundary, planting and re-paving of driveway to residential dwelling (Class C3). Granted 24/04/2015

Relevant policies

The National Planning Policy Framework 2019

London Plan 2016, consolidated with alterations since 2011

Camden local Plan (July 2017)

- H7 Large and small homes
- H3 Protecting existing homes
- A1 Managing the impact of development
- T2 Parking and car free development

Hampstead Neighbourhood Plan (March 2018)

- Policy HC1: Housing mix

Camden Planning Guidance (March 2019)

- CPG Housing (interim)
- CPG Transport

Department for Communities and Local Government (2015)

Assessment

1. Proposed Development

1.1 The proposal is for the conversion of the ground floor (3 bed) unit with the first floor (2 bed unit) to form a single unit (4 bed). The proposal would involve creating an internal staircase to link the two units, no external works would take place.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Loss of one unit and housing mix;
- Standard of accommodation;
- Residential amenity;
- Transport

3. Loss of one unit and housing mix

3.1 Policy HC1 (housing mix) of the Hampstead Neighbourhood Plan (HNP) states that '*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.*' The proposal would result in the loss of a 2 bed unit and 3 bed unit one of which is identified in the HNP as a priority dwelling size. The following are considered 'exceptional circumstances':

- there are a lack of larger units in the ward
- the units are social rented units, and there is a lack of larger ones
- the existing units do not comply with internal space standards

3.2 None of the above circumstances apply to this development. Policy HC1 states that in many areas of London, the value of the local housing stock has risen greatly and now is beyond the means of most people. In 2014, the mean house price in Hampstead Town Ward was £1.75 million, an increase of 250% over 10 years (compared to an average Camden increase over the same period of 173.6%). The increased value in property is evident in the way the housing stock is distributed. According to the census data the number of houses in the area is increasing as the number of flats decreases, resulting in a decrease in the total number of households (a loss of 164 from 2001 to 2011).

3.3 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). It is poorly served by smaller, lower cost units for those who do not own, or do not wish to own property. The population of those most likely to rent of 16-29 age, has been falling. The protection of smaller units is therefore essential to securing a balanced and mixed community.

3.4 Policy H3 (Protecting existing homes) states that the Council will resist development that would involve the net loss of two or more homes (from individual or cumulative proposals). The supporting text to policy H3 states that every home that is lost through redevelopment or conversion is a home that needs to be replaced. Since March 2008, approximately

50 dwellings a year have been lost through development involving a net loss of homes. Around 40% were lost in developments involving loss of a single home, many of which combined two flats to create a single dwelling. The Council therefore aims to ensure that existing dwellings will continue to be available to meet housing needs and that the overall supply of housing will not be compromised by developments involving a net loss.

3.5 However, the Council also recognises that there are situations where the loss of individual homes may be justified. The net loss of one home is acceptable when two dwellings are being combined into a single dwelling, as such developments can help families to deal with overcrowding, to grow without moving home, or to care for an elderly relative. While relevant to the application, policy H3 of the Camden Local Plan 2017 is general policy requirement whilst policy HC1 of the more up to date and relevant Hampstead Neighbourhood Plan 2018 is more specific to this area.

3.6 Policy H7 (Large and small homes) seeks to reduce the discrepancies between housing needs and existing supply. This is achieved by ensuring that the range of homes of different sizes contribute to the creation of mixed, inclusive and sustainable communities. The Council will seek to ensure that all housing development, including conversion of existing homes contributes to meeting the priorities set out in the Dwelling Size Priorities Table:

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

posed in
ough

3.8 The Dwelling Size Priorities Table (see above) has been based on the outputs of the Camden SHMA, considered alongside the mismatch between the need for large affordable homes (indicated by overcrowding) and supply (indicated by average number of bedrooms per household) and the cost constraints on delivering large intermediate homes. Dwelling sizes are expressed in terms of number of bedrooms and distinct priorities are identified for market housing, intermediate housing and social-affordable rent

3.9 The subtext to policy H7 within the local plan also states that where a development is for the conversion of existing homes the Council will seek to minimise the loss of market homes with 3 bedrooms, particularly where the 3-bedroom homes have access to outside space.

3.10 The proposal would fail to accord with the dwelling priority table. The creation of four bedroom market housing is the lowest priority dwelling mix across the borough. The planning statement submitted by the applicant states that '*the SHMA (2016) suggests that there is need for larger units*'. This is misleading as larger units (four bedrooms) are identified as the lowest priority unit mix across the borough which is based on the SHMA (2016). It is also noted that local needs, as shown in the Hampstead Neighbourhood Plan, demonstrate that there is even greater demand for two and three bed units, and even less demand for four bedroom units in Hampstead than across the borough.

3.11 The proposed loss of a three bedroom unit and two bedroom unit to create a four bedroom unit would fail to create a mixed, balanced and inclusive community in accordance with Policy HC1 of the Hampstead Neighbourhood plan and Policy H7 of the Camden Local Plan 2017.

3.12 Officer's contacted the applicant to advise them that the application was contrary to Hampstead NP policy HC1 and that the application would be recommended for refusal. Officer's also informed the applicant that they have the option of withdrawing the application prior to determination. Following this feedback the applicants commissioned DLP planning to submit a planning statement to support the planning application.

3.13 Having reviewed the plans together with the information in the planning statement it is acknowledged that there are personal circumstances that require the family to stay in the local area. The family appear to comprise 2 adults and 2 children (there are 2 children's bedrooms marked on the proposed plans). The existing 3 bed flat measures 138 sq. which significantly exceeds the London Plan's nationally described space standards (74 sq. m) It is therefore considered that the existing flat provides sufficient floorspace to accommodate a family comprising 2 adults and 2 children. The refusal would not prejudice the family staying at their current flat and the family members who are part of a protected group.

4. Standard of accommodation

4.1 Flat 1 has an existing internal floor area of 138sqm, significantly above the 74sqm requirement for a three bed dwelling as per the nationally described space standard. Flat 2 has an existing internal floor area of 75sqm which is above the 70 sqm requirement for a two bed four person dwelling as per the nationally described space standard.

4.2 The combined internal floor area would be 313sqm which would be significantly above the minimum requirement of 97 sqm for a 4 bed five person dwelling over two storeys as per the nationally described space standard. The new unit would have an acceptable quality of accommodation in terms of floor area, access to outlook and light and private amenity space.

5. Residential Amenity

5.1 Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents.

5.2 Given the nature of the proposal it is unlikely to impact upon the amenity of the neighbouring occupiers in regards to current daylight levels, sunlight, privacy or outlook.

6. Transport

6.1 Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

6.2 CPG transport states that the car-free policy applies across the whole borough, regardless of public transport accessibility level (PTAL) ratings. All new developments are required to be car-free, where dwellings are created as part of an amalgamation, subdivision or an extension of an existing development these will be expected to be car free. Therefore all homes in new developments must be car-free, not just additional dwellings. Where proposals result in a less intense use of the site, the Council will also seek car free development and a reduction in the parking provision. This may occur for example where a residential development with returning occupiers and associated parking proposes to

reduce the number of units on site, amalgamating multiple units into one.

6.3 CPG transport states that the retention of existing parking provision for existing occupiers returning to a redevelopment may be considered. Exceptionally, where existing occupiers are to return to a property after it has been redeveloped, we will consider allowing the re-provision of the parking available to them (so the redevelopment does not cause people to lose parking already available on that site prior to its redevelopment), where it is demonstrated to the Council's satisfaction that the existing occupier will return to the property as their principal home. In such cases, the Council will consider temporarily relaxing the car-free requirement in respect of that dwelling for the period over which that occupant resides at the property. A mechanism set out in the Section 106 agreement will require returning owner-occupiers to provide evidence that they intend to continue to occupy their home as their principal residence before any temporary relaxation of car-free status can take place. Such properties would be car-free to future occupiers who would be ineligible for on-street parking permits.

6.4 In the absence of a legal agreement to secure the development as car free for future occupiers the proposal would lead to unacceptable transport impacts in terms of air pollution, congestion and parking stress contrary to policy T2.

9. Recommendation

Refuse planning permission