

# 23 HAMPSTEAD HILL GARDENS, LONDON NW3 2PJ

## PLANNING STATEMENT

EXTERNAL ALTERATIONS AT LOWER GROUND/GROUND FLOOR FLAT

Prepared By

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Our Ref: 879

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## 1.0 INTRODUCTION

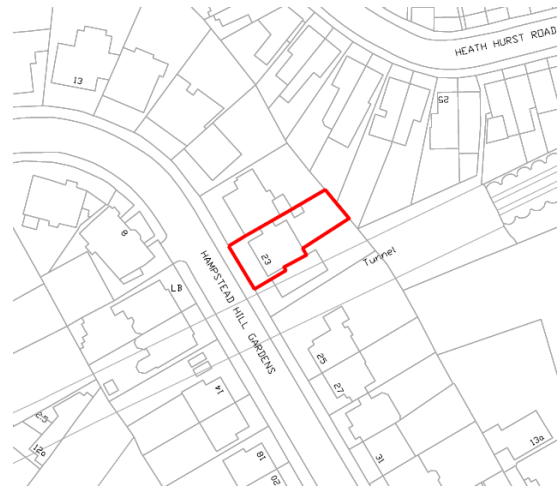
- 1.1 This statement accompanies an application for external alterations, submitted to the London Borough of Camden ("the Council" hereafter) in relation to No. 23 Hampstead Hill Gardens, London NW3 2PJ.
- 1.2 The site comprises a three-storey property with basement that was converted to form five self-contained flats in the 1970s.
- 1.3 A previously granted Certificate of Lawfulness confirmed that works involved in the amalgamation of Flats A and B (located at basement and ground floor levels respectively) to form a single self-contained flat, would not constitute development as set out in Section 55 of the Town and Country Planning Act 1990, and that planning permission is not required.
- 1.4 The applicant currently resides in Flat B on the ground-floor. They wish to carry out a number of external alterations to both the ground and lower ground floors to accommodate the amalgamated flat.

### Structure of this Statement

- A description of the site and surrounding area is provided in Section 2.
- Section 3 offers a summary of the site's planning history, with reference to precedent cases.
- Section 4 describes the proposed works that would be involved.
- Section 5 concludes this statement.

## 2.0 SITE DESCRIPTION

- 2.1 The application site comprises a three-storey property with basement and is situated on the eastern side of Hampstead Hill Gardens. The site lies within the Hampstead Conservation Area.



**SITE LOCATION PLAN**

- 2.2 No.23 is characterised by its brickwork and front dormer features. A communal garden to the rear provides amenity space to the residents of each of the five flats. The property is adjoined by No. 23A to the south (a recently constructed replacement), and No. 21 to the north.



**LEFT (BEHIND TREE): NO. 21  
CENTRE: NO. 23  
RIGHT: NO. 23A**

### 3.0 PLANNING HISTORY

- 3.1 There is no record available on the Council's website which states when permission was given to convert the property from a single dwellinghouse to form five self-contained flats. However, it is understood that permission was granted during the 1970s. This is confirmed on page 18 of a lease document that was signed by the previous owner and a housing association on 23<sup>rd</sup> December 1982, which clearly states that the property had then comprised five flats.
- 3.2 In any event, if permission was not granted, the use of the building as 5 flats has become lawful through the passage of time:

*Who is looking after the communal garden / trees? costs?*

Building	
<u>THE SECOND SCHEDULE</u>	
The relevant proportions of each part of the Building	
Property	Percentage
23 Hampstead Hill Gardens	
Flat A	20.82
FLAT B	27.87
FLAT C	3.61
FLAT D	22.95
FLAT E	24.75

*→ why undervalued? → why bigger? → small!*

<u>THE THIRD SCHEDULE</u>	
Property	All that property known as 23 Hampstead Hill Gardens London
	NW6 the same as registered at H.M. Land Registry under Title NO. NGL 252039
<u>The Freehold Mortgage</u>	Legal mortgage dated the 4th October 1974 and made between the Association and the Mayor Aldermen and Burgesses of the London Borough of Camden and further charge dated the 19th November 1975 made between the same parties

EXTRACT FROM LEASE DOCUMENT

2019/0002/P

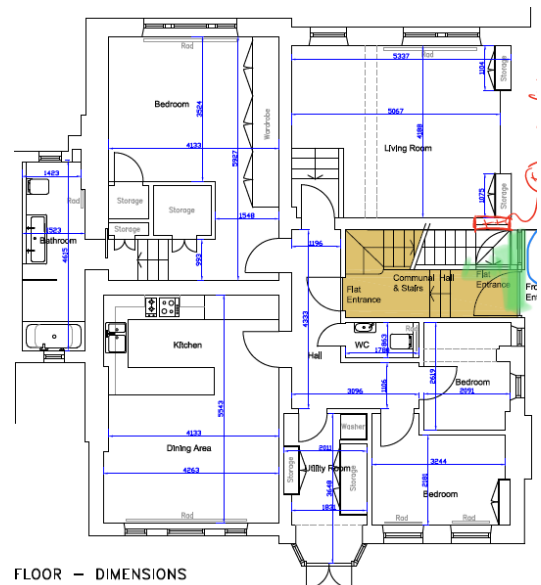
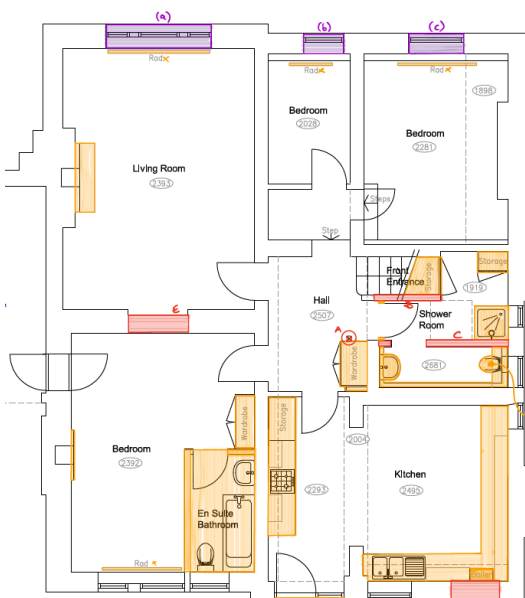
- 3.3 An application for a lawful development certificate to amalgamate Nos. A & B, to form a single dwellinghouse, was granted on 19<sup>th</sup> March 2019.

#### 4.0 THE PROPOSED WORKS

- 4.1 The ground floor and basement levels of No. 23 Hampstead Hill Gardens will soon be amalgamated to form a single family-sized residential unit for their growing family of 5 people. The proposed works would involve some minor internal re-arrangement, with the existing staircase now incorporated as part of the proposed flat to allow internal access between the two floors. It has been confirmed, by a previous Certificate of Lawfulness, that the works do not require planning permission.



EXISTING FLOOR PLANS



FLOOR — DIMENSIONS

PROPOSED FLOOR PLANS

- 4.2 Naturally, the amalgamation of both flats will require a small number of external alterations in order for the new flat to act as a single self-contained residential unit.

- 4.3 None of the proposed changes are visible from street level.
- 4.4 There are no changes proposed to the ground floor of the front elevation. A new door will be introduced to the lower ground floor, to replace the existing door and narrow window. A new window is proposed to serve the kitchen and an enlarged existing window is proposed to comply with fire safety regulations. Both the new window and door will be made of wood to ensure materials match the existing wooden fenestration. The existing windows will be renewed and will be made out of wood to ensure they match the existing fenestration.



EXISTING AND PROPOSED FRONT ELEVATION

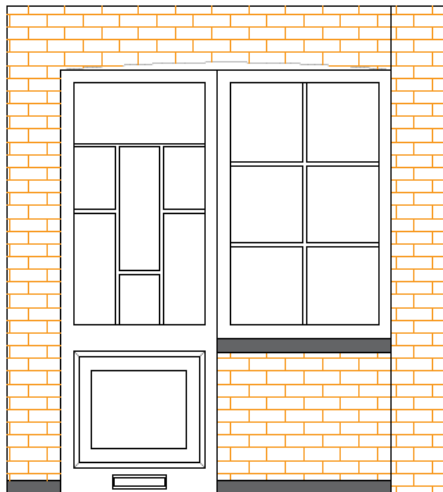
- 4.5 There are no changes proposed to the ground floor of the rear elevation. All three elements of fenestration on the lower ground floor will be altered as part of the current application.
- 4.6 It is necessary for the existing soil against the rear elevation to be removed as it is currently causing major damp issues and is also affecting drainage. Approximately 90cm of soil will be removed from the rear garden to remove the wet soil from external walls. The drainpipes and manhole will be moved to allow for better drainage. The applicants are in touch with Thames Water in this regard.
- 4.7 The window on the left will be made larger to match the ground floor. The middle window will be changed to a door and the right-hand window will be made larger with doors. New window and doors will be made of wood to ensure materials match the existing wooden fenestration.





EXISTING AND PROPOSED REAR ELEVATION

- 4.8 The entrance to No 23, on the south elevation will be altered to a double door. The left door will lead to the communal staircase and the right door will allow access to the lower ground floor flat. The doors will be made out of wood and designed to meet conservation area design with colours used as found on Hampstead Hill Gardens.

Nr23 Entrance Door  
As ExistingNr23 Entrance Doors  
As Proposed

EXISTING AND PROPOSED FRONT DOOR ON SOUTH ELEVATION

**5.0 SUMMARY AND CONCLUSIONS**

- 5.1 This statement supports an application for proposed external alterations in relation to No. 23 Hampstead Hill Gardens, London NW3 2PJ.
- 5.2 The applicant plans to amalgamate the lower ground and ground floor flats so as to provide sufficient space for their growing family of three children.
- 5.3 This application seeks permission for a small number of external fenestration changes to accommodate the amalgamation.
- 5.4 We respectfully request that the permission is issued.

## APPENDIX ONE

DECISION NOTICE 2019/0002/P

Application ref: 2019/0002/P  
Contact: Rachel English  
Tel: 020 7974 2726  
Date: 19 March 2019

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Regeneration and Planning  
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Phone: 020 7974 4444  
[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Dear Sir/Madam

### DECISION

Town and Country Planning Act 1990

#### Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Amalgamation of two flats at basement and ground floor levels

Drawing Nos: Site location plan, 101revPL1, 102revPL1, 301revPL1, 302revPL1,  
Planning Statement Ref 879

Second Schedule:

23 Hampstead Hill Gardens  
London  
NW3 2PJ

Informative(s):

- 1 The amalgamation of flats A and B does not constitute "development" and therefore planning permission is not required under section 55 of the Town and Country Planning Act 1990.

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

#### Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use\*/operations\*/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was\*/would have been\* lawful on the specified date and thus, was not\*/would not have been\* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use\*/operations\*/matter\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use\*/operations\*/matter\* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.