

Application ref: 2020/1804/P  
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Date: 10 August 2020

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

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V M Architects  
203 Hamilton House,  
1 Temple Avenue  
London  
EC4Y 0HA

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**5 Brecknock Road  
London  
N7 0BL**

Proposal:

Conversion of 1st and 2nd floor from a 5 bedroom House in Multiple Occupation (Class C4) to two 3 bedroom HMOs (Class C4)(Retrospective)  
Drawing Nos: 380-001, 380-010, 389-101, 380-110

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 shall be retained in accordance with the following approved plans: 380-001, 380-010, 389-101, 380-110

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

- 2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no change of use from HMOs to dwellinghouses within Part 3 (Class L) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To ensure that the future occupation of the building does not result in the creation of substandard self-contained homes and to prevent future conversions of HMOs to create self-contained dwellings, in accordance with policies H6 and H10 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The conversion of 1st and 2nd floors from one large 5 bedroom House in Multiple Occupation (HMO) to 2 separate 3 bedroom HMOs has already taken place. No objection is raised in principle to this conversion. The bedroom sizes would comply with minimum HMO space standards when a separate kitchen is provided. The kitchen diners at 23sqm would also comply with minimum HMO standards. The Environmental Health team have no objections to the scheme but state that a HMO licence would only allow a maximum of four occupants as there is only one bathroom in each flat to comply with minimum HMO standards. It is noted that the submitted plans are misleading as double beds are shown in each bedroom, some of which are not large enough for doubles according to HMO space standards; also this indicates a possible occupancy of 6 people for each HMO, which would not be authorised by any HMO licence.

The Local Plan policy H6 states that where new small HMOs (Class C4) are proposed, we will consider using planning conditions to remove the freedom to change to self-contained homes without an application. The Local Plan also states that where the freedom to change from Class C4 to Class C3 has been removed (eg. by a planning condition), we will apply Policy H10 and resist the loss of small HMOs. As such, a condition is proposed to remove permitted development rights for changes of use from Class C4 to Class C3 under Part 3 Class L of the GPDO - this is because the proposed C4 units would not satisfy the nationally described space standards for new Class C3 dwellings, which would be contrary to Policy H6 for self-contained flats.

There would be no amenity impact to neighbouring occupiers in terms of loss of light, outlook or privacy.

Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free, including where dwellings are created as part of an amalgamation, subdivision or an extension of an existing development. 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. Therefore all homes in new developments must be car-free, not just additional dwellings. The conversion is therefore acceptable subject to a S106 legal agreement that would remove access for future owner/occupiers to on-street parking permits.

No objections were received prior to the determination of this application. The planning history of the site and surrounding area were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies H10, H6 and T2 of the Camden Local Plan 2017. The proposed development also accords with The London Plan March 2016, and the National Planning Policy Framework 2019.

- 2 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).
- 3 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.
- 4 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.

- 5 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.
- 6 You are advised that, notwithstanding the details of bedroom occupancy layouts as indicated on the plans hereby approved, the 2 separate HMOs shall only be occupied by 4 people each as they only have one bathroom each. This is required to comply with the Council's HMO standards which state that an HMO will not be licensed for more than 4 occupiers where occupiers only have

access to a single bath/shower, WC and wash handbasin, and also which state that double bedrooms shall have a minimum of 10-11 sqm floorspace.

It is also anticipated that three HMO licenses would be required, one for each flat and one for the common parts.

- 7 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations and the Housing Act 2004, particularly in respect of the need to obtain licences for these two Houses in Multiple Occupation.

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

A handwritten signature in black ink, appearing to read 'DP', is written over a light grey rectangular background.

Daniel Pope  
Director of Economy, Regeneration and Investment