

Application ref: 2020/1977/P
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Date: 17 September 2020

Development Management
Regeneration and Planning
London Borough of Camden
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Shulem Posen
77 Fairholt Road
London
N16 5EW

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**96 Goldhurst Terrace
London
NW6 3HS**

Proposal:

Change of use of the HMO unit at lower ground floor consisting of 2 Bedsits (Class C4) into 1 x 3Bed self-contained flat (Class C3) and the erection of single storey rear extension at lower ground floor level.

Drawing Nos: GT.96.EX.01; GT.96.EX.PR.01; GT.96.PR.111; GT.96.PR.112;
GT.96.AG.01 and Planning Statement commissioned by Planning Advisory LTD dated April 2020.

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 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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: GT.96.EX.01; GT.96.EX.PR.01; GT.96.PR.111; GT.96.PR.112; GT.96.AG.01 and Planning Statement commissioned by Planning Advisory LTD dated April 2020.

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

- 4 The secure and covered cycle storage area for 2 x cycles as shown on the drawings hereby approved shall be provided in its entirety prior to the first occupation of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting planning permission:

The application site has been subject to unlawful internal works and subdivisions during a period of use as a HMO (Class C4). As the HMO use was never permitted and is currently without licence the Council's Private Sector housing team raise no objection to its loss. Policy H10 of the Local Plan states that, for most purposes the Council will treat small houses in multiple occupation (Use Class C4) in the same way as self-contained homes (Use Class C3), to reflect the freedom provided in legislation for changes between these two uses without the need for a planning application. Moreover, in support of this, paragraph 3.285 of Policy H10 states, in some cases, properties in Camden have been subdivided into flats that are not self-contained because of their layout. A certificate of lawful development (ref 2019/3191/P) was granted on 24.01.2020 for the change of use from two bedsits (Class C4) on the lower ground floor to one self-contained flat (Class C3). Given the above, the proposals are considered acceptable in land use terms as it would provide a self-contained, family sized residential flat at the site, which the Council regard as the priority land use for the borough (Policy H1 maximising housing supply).

The flat would be a 3-bed, self-contained flat and the internal floor area of the proposed for the flat would be approximately 90sqm including storage area. Therefore, the proposal would exceed the National Space Standard for a 3Bed 4P flat of 74sqm. The flat would be double aspect and would provide an adequate standard of accommodation.

The proposed extension is considered subordinate in scale and location to the host building and the detailed design and materials of the extension are

considered appropriate to the building. The depth of the extension would be similar to those of adjoining properties and would retain more than 50% of the existing rear garden area. The extension is the same depth to an extension approved on 16/10/2017 ref 2016/7145/P. Given the above, the extension would not harm the building or surrounding Conservation Area and is considered acceptable in this respect.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Swiss Cottage Conservation Area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The residential development requires 2 covered, secure and fully enclosed cycle parking space required as per policy T1, two cycle parking spaces would be provided in the front garden. As such, the proposal is in general accordance with policy T1 of the Local Plan 2017. In accordance with policy T2 of the Camden Local Plan, the new unit should be "car free" to be secured by a S106 legal agreement whereby occupiers of the unit would not be able to apply for onstreet parking permits.

The proposed extension would be set back approximately 2m from the boundary with no.94 and be of similar height to the rear extension at no.98. As such, the proposal would not cause harm to neighbouring amenity in terms of loss of daylight/sunlight, outlook and privacy.

Two objections were received prior to making this decision which are duly addressed in the consultation summary. The planning history of the site and surrounding area were taken into account when coming to this decision.

As such, the proposal is in general accordance with policies A1, D1, D2, H1, H10, T1 and T2 of the London Borough of Camden Local Plan 2017, Intend to Publish London Plan 2019; the London Plan 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 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 4 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.
- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 6 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.

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
Director of Economy, Regeneration and Investment