

Application ref: 2019/2472/P
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Development Management
Regeneration and Planning
London Borough of Camden
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PPM Planning Limited
185 Casewick Road
West Norwood
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SE270TA
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**42 Fordwych Road
London
NW2 3TG**

Proposal:

Change of use from HMO (sui generis) to 4 x residential units (C3) with; side and rear dormer roof windows, and; ground floor rear extensions to create; 1 x 3 bed, 1 x 2 bed and 2 x Studio flats, with; refuse, recycling and cycle stores [part retrospective].

Drawing Nos: Site Plan & Block Plan 190417/01. Existing: Ground Floor 190417/02, 1st Floor 190417/03, 2nd Floor 190417/04, Roof Plan 190417/05, Front and Rear Elevations 190417/06, Section A-A 190417/07, Side Elevation 190417/08. Proposed: Ground Floor Plans 190417/09 H & 190417/09 K, 1st Floor Plan 190417/10 G, 2nd Floor Plan 190417/11 G, 3rd Floor Plan 190417/12 G, Roof Plan 190417/13 G, Front and Rear Elevation 190417/14 K, Section A 190417/15 G, Side Elevation 190417/16 G, Side Elevation 190417/17 G, Window Section 190417/18, Cycle Store Details 190417/19. Sound Insulation: Detail A 190417/18, Detail B 190417/19, 190417/20, 190417/21.

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: Site Plan & Block Plan 190417/01. Existing: Ground Floor 190417/02, 1st Floor 190417/03, 2nd Floor 190417/04, Roof Plan 190417/05, Front and Rear Elevations 190417/06, Section A-A 190417/07, Side Elevation 190417/08. Proposed: Ground Floor Plan 190417/09 K, 1st Floor Plan 190417/10 G, 2nd Floor Plan 190417/11 G, 3rd Floor Plan 190417/12 G, Roof Plan 190417/13 G, Front and Rear Elevation 190417/14 K, Section A 190417/15 G, Side Elevation 190417/16 G, Side Elevation 190417/17 G, Window Section 190417/18, Cycle Store Details 190417/19. Sound Insulation: Detail A 190417/18, Detail B 190417/19, 190417/20, 190417/21. Design and Access Statement.

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

- 4 Secure and covered cycle storage for five cycles shall be installed as per the approved plan Drawing No. 190417/19. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any 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 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).
- 2 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct

impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 3 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 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 Reasons for granting permission:

The application site is a semi-detached three storey former single family dwelling house situated at the south side of Fordwych Road. The property benefits from a small front garden with access to the rear garden via a gated side passageway. The main access is via a single entrance door to the front of the property.

The property has been subject to unlawful internal works and sub-divisions to create self-contained units. An application for a certificate of lawful development (2018/5135/P) to regularise internal works was refused by the local planning authority, which was subsequently appealed by the applicant, however; the planning inspector agreed that the evidence required to grant the certificate was lacking in precise unambiguous details and dismissed the appeal.

This application acknowledges the status of the property as an HMO (Sui Generis), and; seeks retrospective approval for the change of use into four self-contained units (C3), including extensions at rear ground floor and to the roof space, in order to bring the individual units to an acceptable standard.

At the time of making the application and as evident from the site visit, the

ground floor was in a poor state of repair and vacant. At first floor rear; a very small studio was occupied, and at first floor front; a 1Bed flat was occupied, and at second floor a further 1Bed flat was occupied. This application seeks approval for the provision of; 1 x 3Bed (C3) unit at ground floor, 2 x Studio (C3) units at split level 1st floor, and; 1 x 2Bed (C3) unit at 2nd floor and within converted roof space. The scheme would provide two 'high' priority units as well as two 'lower' priority units according to the Council's Dwelling Size Priority Table.

Council Officers were concerned about the proposed loss of an HMO due to the need to maintain affordable housing provision within the borough, but have had to balance this concern with the desire to improve the living accommodation being provided. Planning Enforcement Officers had advised that the property may require de-self-containment if a solution could not be arrived at to bring all 'units' up to an acceptable standard. In order to meet requirements of Housing Policy H4, The applicant agreed to make a payment in lieu of provision of affordable housing on site, which shall be secured through a Section 106 Agreement.

Throughout negotiations, Council officers worked with the applicant to design a scheme that minimised intervention to the character of the residential terrace of semi-detached pairs of houses along this stretch of Fordwych Road whilst securing optimal use and therefore the long-term longevity of the development.

The scheme requires no significant alteration to the front elevation, with a proposed side dormer at roof level being considered an acceptable addition, it may be noted that there are several existing side dormers to similar roof slopes along this street including to that of the semi-detached neighbour. Three of five, cycle stores shall be housed within the front garden space behind mature hedges along the front boundary, to be retained. Cycle stores shall be provided as shown on the approved plan Drawing No. 190417/19. The scale of these stores is considered acceptable, they are large enough to house an individual bicycle, but are not considered to be dominant features with a max height of 1205mm.

The applicant has also demonstrated sufficient space for the provision of refuse and recycling storage on site and without blocking access along the garden path or the public highway.

- 6 To the rear, the initial scheme included a first floor extension projecting from the existing closet wing, however; due to the symmetry of all the 1st floor closet wings at neighbouring properties, any extensions at 1st floor level were not considered appropriate. Furthermore, there was concern that this would amount to overdevelopment of the site and could set an unwanted precedent for other properties in the vicinity. The applicant revised their scheme to remove the first floor extension, but included a proposed alteration to increase the size of the rear window of the closet wing with sill and arch to match existing fenestration.

At ground floor level, a rear and part side extension forms part of the proposal and is considered acceptable, replacing some existing dilapidated structures in place here. A mixture of ramshackle structures currently extend approximately

4m from the rear of the existing ground floor extension. The new ground floor extension shall extend only approximately 1m, however; this shall also wrap around the closet wing. It should be noted that this side extension shall not project past the width of the main house and may be read as an infill development. The side extension shall achieve a max height of 2.7m which is not considered to cause any harmful impact on the neighbouring property. The side passage shall be retained to enable access to two of five cycle stores housed to the rear of the garden. A small courtyard space (1.5m²) shall be created at the back of the main house for the purpose of providing natural light to ground floor bedrooms.

The ground floor extension shall be constructed from stock brick to match materials of the host and neighbouring properties. Two timber framed windows shall be installed to the side elevation, and aluminium framed bi-fold doors shall be installed to the rear. The bi-fold doors have been configured in a double pane and a quadruple pane arrangement to echo the proportion of the closet wing and a side infill and to provide architectural balance to the rear elevation.

At roof level, in addition to the side dormer, a further dormer shall be installed to the rear, both of these configured to closely match those of the existing dormers of the semi-detached neighbouring property, No. 44 Fordwych Road. Windows shall be timber framed and dormers shall have a zinc sheet finish to the sides.

Officers were concerned about the extent of the works initially proposed at first floor level, however; following revisions to the scheme to remove the first floor extension from the scope of development, this concern was abated. Due to the majority of works being to the rear and at ground floor level, it is considered there would be minimal opportunities to view the development from the public realm. Furthermore, the proposed extension shall replace existing structures in a poor state of repair and although the replacement is over a larger foot print, this is considered an improved arrangement and will still leave a decent rear garden space. The dormer roof windows are considered an acceptable addition and are in keeping with the surrounding residential roofscape.

One objection was received during public consultation from an existing tenant occupying the first floor front. This raised concern about potential nuisance caused during works proposed, but also objected specifically to revised proposals to alter the lay-out of the space the tenant occupies. Careful consideration was given to determine how much weight to give this objection in light of the circumstance whereby planning approval may result in the loss of an individual's personal living accommodation. Having given due regard to the objection raised by the tenant of the applicant, it is considered that this is principally a matter of private interest and should therefore hold very limited weight in the determination of the application.

- 7 The Council notes that any planning consent does not override rights of tenancy. The Council also advises that the consent hereby granted includes improvements to the layout to provide acceptable living spaces in terms of planning policy, and does not authorise occupation of the property in its existing unlawful layout as four separate self-contained homes. Any undersized

unlawful units should not be occupied until such time as they have been made acceptable by the completion of the relevant parts of development. For the avoidance of doubt, upon implementation the works should be completed in accordance with the plans hereby approved, and the small first floor rear studio should not be occupied until such time as the unit is laid out as shown to provide a studio flat with a gross internal area of 37 square metres.

All of the proposed units would meet or exceed the minimum floor areas set out by the Nationally described housing standards (2015). All units would be dual aspect, maintain good floor-to-ceiling heights and have access to good outlook and natural light, also with the provision of sound insulation throughout.

Careful consideration was given to the potential for increased burden on local parking conditions from this development. Although, the existing layout is unlawful, providing four 'units', and; despite the applicants inability to precisely demonstrate continuous use via lawful development certificate, the Council does accept that the property has in all likelihood been divided in to three 'units' for some considerable time, and with no restriction in place the existing residents have had access to parking permits. It is therefore considered that, in this particular instance, any increase in burden on the local parking conditions would result from the creation of one additional unit over and above the existing unauthorised units. Therefore; in order to ensure that the creation of these new lawful units does not result in increased pressure upon the local traffic and parking conditions, the decision would be subject to a s106 agreement to secure one unit as car-free. For the avoidance of doubt; following completion of development, three units may benefit from parking permits. Furthermore, in order to promote sustainable transport considerations five secure cycle stores shall be provided as part of the development, Three to the front and two to the rear garden.

The proposed conversion is not considered to result in any harm to neighbouring residents in terms of light, outlook or privacy. The use of the building as selfcontained flats is not considered to result in any noise or disturbance issues. Due to the limited scope of the operational development, the completion of works is not considered to result in any detrimental impact upon neighbouring residents.

The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with the Camden Local Plan 2017 with particular regard for policies G1, H1, H3, H4, H7, H10, C5, A1, A4, D1, D2, CC2, T1 and T2. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.


- 8 For the avoidance of any doubt; Given that the substandard first floor rear unit was created without planning permission and is in breach of planning control the Council will keep enforcement case EN19/0307 open until such time as the development hereby approved is implemented in full.

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 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer