

Design and Access and Planning Statement

Site: 29 Mornington Crescent, NW1 7RE

Proposal: Conversion of; existing non-self-contained flat at basement level, non-self-contained maisonette at basement, ground, first and third floor level and three HMO units at second and third floor level into; one bedroom flat at basement level, one bedroom flat at ground floor level, one bedroom flat at third floor level and provision of four HMO units at first and second floor level.

1.0 Application Site and Location

The application property is a four-storey residential building (including basement/lower ground floor level) consisting of a non-self-contained flat at basement level, non-self-contained maisonette at basement, ground, first and third floor level and three HMO units at second and third floor level.

The site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 6a, which is the second highest possible rating.

The site is located close to Camden Town Centre and Mornington Crescent tube station.

The property is a Grade II listed building.

The site is within Camden Conservation Area.

The site is located within an area where controlled parking measures are in place.

2.0 Relevant History

(1) Listed building consent was granted March 2010 (ref: 2009/4968/L), for: *“Internal refurbishment of existing bedsits on ground, first, second and third floor levels to HMO (Sui Generis).”* – the permission did not refer to the basement level.

The existing and proposed basement floor plans show the layout as existing now - this area provides a non-self-contained flat.

The existing and proposed ground floor plans show the layout as existing, but do not state the use – this includes a kitchen, toilet and bathroom. This part of the accommodation is part of the non-self-contained basement, ground, first floor and third floor maisonette.

The existing and proposed first floor plans show two bedrooms and a study and a shared toilet – labelled as such.

The proposed second floor plan shows the same as is existing, with two bedsits (Labelled bedsit 2 & 3) and a communal bathroom.

The proposed third floor plan shows as existing with one bedsit (labelled bedsit 1) and a storage room.

All the bedsits had their own cooking facilities.

(2) Certificate of lawfulness was refused 16th April 2020 (ref: 2020/0266/P), for: *“Change of use from House in Multiple Occupation (C4) to a single self-contained dwellinghouse (Use Class C3).”*

The council’s planning report stated: *“The application site contains a four-storey residential building consisting of 4 bedsits and 6 principle rooms occupied by the resident landlord.*

The building comprises 4 bedsits (non-self-contained units) with kitchens who only share bathroom facilities and the non-self-contained accommodation currently occupied by the landlord, which comprises 5 rooms and a separate kitchen and bathroom. The planning unit is the entire building.

The HMO licence limits the use of the 4 bedsits to 6 people but excludes the landlord’s accommodation. Even if the landlord’s accommodation is occupied by 1 person (it has the potential to be more) the number of residents within the planning unit would be more than 6. The building is therefore considered a Sui Generis HMO. The proposed change to a C3 dwellinghouse use is therefore not permitted development as allowed under the GPDO and the certificate of lawfulness is refused”

(3) A HMO License was issued 13th March 2019 – the license has been submitted as part of the application documents.

The license refers to 4 units:

Bedsit 1 – basement.

Bedsit 2 – front room 2nd floor.

Bedsit 3 – rear room 2nd floor.

Bedsit 4 – 3rd floor.

The license refers to the “one household” property as not being applicable, seeing it is one separate household.

The basement bedsit is defined as a HMO for the purposes of licensing but is a non-self-contained flat for planning purposes.

(4) Council tax records show the property rated as five separate units, since June 2010.

This can be viewed on the following link:

[Search for a property - Check and challenge your Council Tax band - GOV.UK](#)

Unit 1 is described as; flat lower ground floor front.

Unit 2 is described as; flat 2nd floor front.

Unit 3 is described as; flat 2nd floor rear off.

Unit 4 is described as; flat 3rd floor front.

Unit 5 is described as; maisonette rear off lower ground floor, 1st and rear off 3rd floor.

3.0 Lawful use

The history of the site demonstrates the lawful use of the property is as follows:

- The basement bedsit is defined as a HMO for the purposes of licensing but is a non-self-contained flat for planning purposes – unit 1 for council tax purposes.
- The “one household” property at basement, ground floor, first floor and third floor levels is a non-self-contained maisonette – unit 5 for council tax purposes.
- The second and third floors are a Class C4 HMO (3 bedsit units) – these had their own kitchen facilities but shared a bathroom at second floor level – units 2, 3 & 4 for council tax purposes.

Therefore, there are three planning units, being two non-self-contained dwellings and one Class C4 HMO.

4.0 The Planning Proposal

The proposal seeks the conversion of the two non-self-contained dwellings and one Class C4 HMO (mixed use) into a one-bedroom flat at basement level, a one-bedroom flat at ground floor level, a one-bedroom flat at third floor level and provision of a Class C4 HMO (four units) at first and second floor level.

The proposed basement flat is a 1 bed, 1-person dwelling providing 48.1sqm of floorspace. This provision is a significant improvement when compared to the existing non-self-contained flat at basement level.

The proposed ground floor flat is a 1 bed, 2-person dwelling providing 51sqm of floorspace. This flat will have exclusive access to the rear garden space.

The first and second floors would provide four bedsitting rooms (as part of a Class C4 HMO). The first floor will provide a shared kitchen for the first floor HMO units and a shared toilet for all four bedsit units. The second floor will also provide a shared bathroom for all four bedsit units. The two second-floor bedsit units will be provided their own kitchen facilities.

The third floor will provide a studio flat (37sqm).

No car parking provision is proposed.

5.0 Planning Considerations

The main issues for consideration in this case are:

- The impact the proposal would have on the character of the area.
- Impact on the amenity of neighbouring occupiers
- The standard of accommodation provided and amenities of future occupiers of the proposed units
- Highway matters
- Refuse and recycling

6.0 The impact the proposal would have on the character of the area.

No external alterations are proposed.

The proposal would have a similar impact on the character of the area as the lawful use of the property.

7.0 Impact on the amenity of neighbouring occupiers

The proposal would have a similar impact on neighbouring occupiers as the lawful use of the property.

8.0 The standard of accommodation provided and amenities of future occupiers of the proposed units.

The proposed dwellings comply with minimum floor space standards for self-contained dwellings and HMO's.

The ground floor flat would have exclusive access to the amenity space at the rear.

The site has excellent accessibility to public transport and town centre amenities.

The proposal would provide a standard of accommodation better than the existing accommodation – this is a significant material consideration.

9.0 Highways matters

The proposal provides no car parking spaces.

The site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 6a, which is the second highest possible rating.

The site is located within a controlled parking area.

The applicant is agreeable to entering into a car free agreement.

It should also be noted that paragraph 111 of the NPPF (2021) states; *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

10.0 Refuse and recycling storage

Refuse and recycling storage will be provided at the front in accordance with the Councils waste management guidance notes.