

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	31/01/2022
		N/A		<b>Consultation Expiry Date:</b>	13/02/2022
<b>Officer</b>			<b>Application Number(s)</b>		
Ewan Campbell			2021/5956/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
31 Agar Grove London NW1 9UG			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Change of the lower and upper ground floor from 1x3 bed flat to a self-contained 1x2 bed flat and 1 x studio flat. (Retrospective)					
<b>Recommendation(s):</b>		Refuse Planning Permission and Warning of Enforcement Action to be Taken			
<b>Application Type:</b>		Full Planning Permission			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					
<b>Consultations</b>					
		No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Neighbour Consultation</b>		A site notice was put up on 19/01/2022 and expired on the 12/02/22. A press advert was put up on the 20/01/2022 and expired on 13/02/2022  No comments.			
<b>Site Description</b>					
The application is for the retention of unauthorised works to convert the lawful 3 bedroom flat on the ground and lower ground floor level to one 2 bedroom flat and one 1 bedroom studio flat together with associated internal alterations. There are no changes to the upper floors There are no external alterations involved.  The site is part of a 19 <sup>th</sup> century semi-detached house located within the Camden Square Conservation Area.					

## Relevant History

### Relevant planning history on the application site:

2012/0101/P An application for the entire property to change HMO use to C3 was submitted in 2012 then withdrawn. At that time the submitted plans showed that the property contained 8 bedsits.

2013/5196/P - Change of use from 4 x Housing in Multiple Occupation (HMO) (Use Class C4) at lower ground and ground floor levels to 1 x 3 bed maisonette (Use Class C3), including erection of a single storey rear plus side extensions at lower ground floor level; retention of 4 x HMO units at first and second floor levels (Use Class C4) including replacement windows on front, side and rear elevations. (Granted 06/11/2013)

2021/3573/P - Conversion from one 3 bedroom flat and 4 bedsits to one 2 bedroom flat and three 1 bedroom flats (Refused on 15/11/2021)

## National Planning Policy Framework 2021

### The London Plan 2021

#### Camden Local Plan 2017

Policy D1 Design

Policy D2 Heritage

Policy H7 Large and Small Homes

Policy H10 Housing with Shared Facilities

Policy T1 Prioritise walking, cycling and public Transport

Policy T2 Parking and Car Parking

Policy A1 Management the impact of development

Policy DM1 Delivery and Monitoring

#### Camden Planning Guidance (CPG)

CPG Housing (January 2021)

Camden Square Conservation Area Appraisal and Management Strategy 2011

## Assessment

## 1. PROPOSAL

1.1 The applicant seeks planning consent retrospectively for the following:

- Change of use of the lower and upper ground floor from one 3 bedroom flat across the two floors to one 2 bedroom flat and a 1 bedroom studio flat.

## 2. CONSIDERATIONS

2.1 The material considerations for this application are as follows:

- Unit Mix
- Quality of Accommodation
- Amenity
- Transport Considerations

## 3. ASSESSMENT

### Unit Mix

3.1 This application follows the previously refused application on site (2021/3573/P). From the plans the alteration is that the upper floors are not being altered and only the existing 3 bedroom flat will be converted. This conversion alone was a reason for refusal in the previous application. The agent also confirmed that work had already been completed and is therefore retrospective.

3.2 Local Plan policy H7 (Large and Small Homes) is aimed at maintaining a range of dwelling types and sizes that will contribute to the creation of mixed, inclusive and sustainable communities. This policy applies wherever there is development that affects the mix of dwelling sizes, as is the case in this instance.

3.3 This application seeks to replace a 3-bedroom maisonette with a 2-bed 3-person flat and a studio flat. Supporting paragraph 3.185 of policy H7 confirms that large homes are those with 3-beds or more, and small homes are studios, 1-beds and 2-beds.

3.4 The property is in the category of 'market housing' which has been highlighted within the Camden SHMA as having the *greatest requirement* for two and three bedroom properties. Table 1 below demonstrates this:

**Table 1: Dwelling Size Priorities**

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

3.5 However, notwithstanding this, the proposal removes a large home and replaces it with two small homes which have a lower priority. This is contrary to Policy H7(b), which stipulates that development – including conversions – should include a mix of large and small dwellings. This is supported by paragraph 3.196 confirms this position stating:

*Where a development is for the conversion of existing homes... the Council will seek to minimise the loss of market homes with 3 bedrooms, particularly where the 3-bedroom homes have access to outside space*

3.6 This proposal will be a loss of a 3 bedroom property with outside space and is therefore a direct contravention of this policy and paragraph 3.196. Therefore the application is not acceptable and does not comply with policy H7.

#### Quality of Accommodation

3.7 The new dwellings would measure approximately 65sqm for the 2 bedroom 3 person flat and 38.4sqm for the 1 bedroom 1 person studio flat. The proposed units would meet the technical housing standards and therefore would meet the standard for residential accommodation.

3.8 In terms of outlook, both would be dual aspect and means that they would both benefit from an acceptable level of outlook and light. Because there are no external alterations, issues relating to privacy are not considered significant considering the window arrangement and form is staying the same.

#### Amenity

3.9 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.

3.10 In terms of the proposal, the proposal will result in an additional amount of units however not necessarily a different amount of persons. Therefore, issues in relation to noise and disturbance are not considered significant. Furthermore because there are no extensions or external alterations, issues relating to outlook, increased sense of enclosure or privacy are not considered significant.

3.11 Therefore the proposal complies with policy A1 of the 2017 Camden Local Plan and the Amenity CPG.

#### Transport Considerations

3.12 Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements outlined in the Transport CPG. The London Plan requires a minimum of 1 long stay space per 1 bedroom/studio unit

3.13 The plans do not show any cycle parking; however, a condition could secure details and the retention of a cycle parking space if the proposals were considered acceptable in all other regards. Therefore no objection is raised on this issue.

3.14 Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. This includes limiting the availability of both off-street and on-street parking.

3.15 If the proposals were acceptable in all other regards, the Council would require the development to be secured as car free via S106 legal agreement to ensure that future occupants are aware that they are not entitled to on-street parking permits. In the absence of this, this forms a fourth reason for refusal.

## **4 RECOMMENDATION**

**4.1 Recommendation 1:** Refuse Planning Permission

**4.2 Recommendation 2:** That the Borough Solicitor be instructed to issue an Enforcement Notice under

Section 172 of the Town and Country Planning act 1990 as amended to **cease the conversion from one 3 bedroom flat to one 2 bedroom flat and a 1 bedroom studio flat**, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

**The notice shall allege the following breaches of planning control:**

Change of use of the lower and upper ground floor from 1x3 bed flat to a self-contained 1x2 bed flat and 1 x studio flat.

**WHAT ARE YOU REQUIRED TO DO:**

1. Cease the use of the lower and upper ground floor from 1x3 bed flat to a self-contained 1x2 bed flat and 1 x studio flat and reinstate the use as one residential unit over the two floors.
2. Remove one of the kitchens and bathrooms from either the lower ground or upper ground floor level.

**PERIOD OF COMPLIANCE: 3 months**

**REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**

The development by reason of the loss of a larger three bedroom family sized home with access to private amenity space, would fail to retain existing flexible accommodation suited to the needs of families with children contrary to Policy H7 (Large and Small Homes) of the London Borough of Camden Local Plan 2017.

In absence of a S106 legal agreement to secure the development as car free, the development contributes unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking), A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the Camden Local Plan (2017).