

# APPEAL STATEMENT

## On behalf of A R & V Investments Limited

In support of an appeal, under Section 78 of the Town and Country Planning Act 1990 (as amended), following the decision, dated 22<sup>nd</sup> December 2021, of the London Borough of Camden to refuse planning application ref. 2021/4219/P, proposing the amalgamation of 3 self-contained flats to a single family dwellinghouse, incorporating the provision of a bicycle store within the front garden and the insertion of a new window within the side elevation of the building at ground floor level, at;

**37 Estelle Road  
London  
NW3 2JX**

BPC ref. : AB2183/Appeal Statement  
Date : April 2022

## **CONTENTS**

- 1 Introduction
- 2 Description of Appeal Site and Surroundings
- 3 Relevant Planning History of Appeal Site and Surroundings
- 4 The Appeal Application
- 5 Planning Policies and Government Guidance
- 6 Planning Assessment
- 7 Conclusions

## **1.0 Introduction**

- 1.1 This appeal statement has been prepared by Beamish Planning Consultancy on behalf of AR&V Investments and relates to a decision, dated 22<sup>nd</sup> December 2022, of the London Borough of Camden (the LPA), to refuse planning application ref. 2021/4219/P, replating to the existing building at 37 Estelle Road, London, NW3 2JX.
- 1.2 The planning application to which this appeal relates proposed the conversion of the existing building (in lawful use as three self-contained flats) to a single family dwellinghouse, incorporating the provision of a bicycle store within the front garden and the installation of a new window within the side elevation of the building at ground floor level.
- 1.3 This appeal statement, which should be read in conjunction with all of the documentation which comprised the original planning application submission, details the nature of the appeal site and the surrounding area, summarises relevant planning site of the site and its surroundings, outlines the relevant development plan policies and associated guidance, and then proceeds to make an assessment of the proposals against those policies and guidance and any other material planning considerations.
- 1.4 The statement concludes that, having regard to the adopted development plan and all other material planning considerations, this appeal should be allowed, and planning permission be granted for these proposals, subject to the imposition of appropriate and reasonable conditions.

## **2.0 Description of Appeal Site and Surroundings**

- 2.1 The appeal site comprises a three storey mid-terraced building (with additional accommodation within the loft space) located on the western side of Estelle Road, a wholly residential street close to Hampstead Heath to the north, characterised by similar three-storey properties, some of which incorporate dormer roof features/extensions to their front and rear roof slopes, with Estelle Road having been originally developed in the 1890's.
- 2.2 The current and lawful layout of the building is as three self-contained flats, comprising a two-bedroom flat at ground floor level, a one-bedroom flat at first floor level and a two-bedroom duplex flat both at second floor level and also within the roof space of the building.
- 2.3 Many other properties within Estelle Road have been converted into self-contained flats, either with the benefit of historic planning permissions or through immunity from enforcement action due to the passage of time since such conversions were completed, with many of the original dwellinghouses having been converted into smaller flats between 1919 and 1939.
- 2.4 Both the appeal site and its surroundings are located within Mansfield Conservation Area, which was first designated in September 1990, whilst neither the application building nor any adjoining buildings are either statutorily or locally listed.
- 2.5 The appeal building lies within an area benefitting from a Public Transport Accessibility Level (PTAL) of 3 (on a scale of 1 (low) to 6b (excellent)), being under 7 minutes' walk from Gospel Oak railway station, which is served by the North London Line, with frequent trains to Barking and Stratford heading eastbound and to Clapham Junction and Richmond heading westbound. Additionally, bus services 24, 46 and the C11 are also served by bus stops for travel in both directions located within 3 and 6 minutes' walk of the appeal site.
- 2.6 Both Estelle Road and the surrounding streets are located within the CA-B Belsize Controlled Parking Zone (CPZ), the operational hours of which are 09.00 to 18.30 on weekdays and 09.30 to 13.30 on Saturdays.

### **3.0 Relevant Planning History of Appeal Site and Surroundings**

- 3.1 In May 2019, the LPA granted planning permission (application ref. 2018/5855/P) for the first floor floorspace within the building that is now the subject of this appeal to be converted into a self-contained one bedroom flat.
- 3.2 That permission, which was subsequently implemented, was also the subject of a legal agreement preventing the occupiers of that one-bedroom flat from applying for or obtaining an on-street parking permit.
- 3.3 Other than a recent notification (ref. 2021/3861/T) of intended pruning works to a damson tree within the garden of the appeal site, there is no other planning history available online relating to 37 Estelle Road.
- 3.4 Recent planning history relating to nearby properties within Estelle Road include Certificates of Existing Lawful Use granted in February 2015 and August 2017 respectively relating to the continuing uses of nos. 29 and 35 as single family dwellinghouses.

## 4.0 The Appeal Application

- 4.1 In August 2021 the then agent submitted the planning application to which this appeal now relates to the appeal, and it was subsequently validated and allocated the reference number 2021/4219/P.
- 4.2 The proposals for which planning permission was sought related to the amalgamation of the three existing flats that comprise the appeal building to create a 3 bedroom, 6 person single family dwellinghouse, thereby reinstating the original use of the building as a single family dwellinghouse.
- 4.3 The total gross internal area of the single family dwellinghouse created by this amalgamation would be approximately 208 square metres (excluding the narrow, unlit cellar), with the proposed accommodating satisfying all of the standards set out within the Nationally Described Space Standards. The occupiers of the dwellinghouse would also benefit from the sizeable garden to the rear of the property, along with a landscaped area and refuse storage to the front of the property.
- 4.4 The only operational development associated with the proposed amalgamation was the installation of a small window serving a new bathroom within the side (north facing) elevation of the building at ground floor level, and also the provision of covered and secured cycle parking for the occupiers of the proposed dwellinghouse to the front of the resulting dwelling.
- 4.5 As part of the application submission, and recognising that both Estelle Road and the surrounding streets are located within the CA-B Belsize Controlled Parking Zone (CPZ), a willingness was expressed on behalf of the applicant to, should the LPA deem it necessary, the entering into of a legal agreement to either limit or restrict altogether the abilities of future occupiers to apply for on-street parking permits, although it was stressed that the proposal would result the number of self-contained residential units from three to one.
- 4.6 During the LPA's consideration of the planning application the Case Officer contacted the then agents advising that the LPA was minded to refuse the application on the basis of the loss of the existing units, and the applicant was therefore asked to withdraw the application.
- 4.7 However the applicant decided to continue with the planning application and on 22<sup>nd</sup> December 2022 the LPA issued its decision notice refusing planning application ref. 2021/4219/P for the following reason ;
- 'The proposed development would result in the net loss of two existing homes and would undermine the Council's aim of securing a sufficient supply of homes to meet the needs of existing and future households, contrary to Policies H1 (maximising housing supply) and H3 (protecting existing homes) of the Camden Local Plan 2017.'*
- 4.8 A copy of that decision notice and the LPA Officer delegated report is attached as Appendix 1 to this appeal statement.

## **5.0 Planning Policies and Government Guidance**

- 5.1 The Development Plan for the appeal site and the surrounding area currently comprises the London Borough of Camden Local Plan, which was adopted by the LPA on 3<sup>rd</sup> July 2017 following independent examination.
- 5.2 At regional level, the Development Plan comprises the new London Plan, which has been published by the GLA in March 2021 following independent Examination in Public and subsequent review by the Secretary of State for Housing, Communities and Local Government.
- 5.3 At national level, the updated National Planning Policy Framework (NPPF) was published by the Government in July 2021 and streamlines previous national planning policy into a consolidated set of priorities, to ensure that planning decisions reflect genuine national objectives, with the principle of sustainable development permeating the framework.
- 5.4 The National Planning Policy Guidance (NPPG) was launched by the Government in March 2014, is regularly updated and streamlines previously published national guidance, which had taken the form of planning policy guidance notes and planning policy statements.
- 5.5 Also, in March 2015, the Government published its 'Technical Housing Standards – Nationally Described Space Standard', which sets out floorspace, dimensions and storage standards for new dwellings, including conversions.

## 6.0 Planning Assessment

- 6.1 The starting point for determining any planning application or appeal is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The sole reason for the refusal of the planning application to which this appeal now relates cites non-compliance with adopted Local Plan policies H1 (Maximising Housing Supply) and H3 (Protecting Existing Homes), due to how the proposal would result in the net loss of two existing homes, thereby purportedly undermining the LPA’s aim on securing a sufficient supply of homes to meet the needs of existing and future households.
- 6.3 Adopted Local Plan policy H1 is a general housing supply/targets policy, whereas adopted Local Plan policy H3 advises that the LPA will resist development that would result in the loss of two or more existing residential units unless the proposals ;
- create large homes in a part of the Borough with a relatively low proportion of large dwellings.
  - enable existing affordable homes to be adapted to provide the affordable dwelling-sizes that are most needed.
  - enable substandard units to be enlarged to meet residential space standards.
- 6.4 Appraising these proposals which are now the subject of this appeal against the above criteria, the second criteria is not relevant as the existing residential units are not affordable units, and indeed no such issue is cited within the reason for refusal.
- 6.5 With regard to the first criteria of policy H3, within its delegated report the LPA indicate that the amalgamation of three or more dwellings is acceptable only within the wards of Bloomsbury, King’s Cross, Holburn and Covent Garden and Kilburn, as in those wards there is a low proportion of large dwellings. With this in mind, the LPA concludes that as the appeal site is not located within any of those wards (being located within the ward of Gospel Oak) the proposed amalgamation is unacceptable.
- 6.6 However such an approach is too simplistic and fails to take proper account of site-specific circumstances. This Practice has recently undertaken both an ‘on the ground’ survey of existing properties within Estelle Road, as well as fully researching the planning history of all properties within Estelle Road.
- 6.7 Based upon that research, of the 44 properties within Estelle Road (not including the purpose-built block of flats at 45-61 Estelle Road, which are located on the corner of Estelle Road and Savernake Road), only 7 (nos. 4, 10, 19, 29, 32, 33, and 35) remain as single-family dwellinghouses, whereas the other 37 properties are all converted into either 2 or 3 contained residential units.
- 6.8 Most of those self-contained residential units are not family sized (i.e. 3 or more bedroom) units, and many also do not have any direct access to private amenity space, also reducing the likelihood of such units being occupied by families.
- 6.9 A walk around neighbouring streets confirms a similar pattern of residential use, but if Estelle Road is taken in isolation then, based on the number of buildings alone (as opposed to the total number of self-contained properties) over 84% of Estelle Road comprises either flats or maisonettes, and less than 16% of the properties comprise single family dwellinghouses.



- 6.10 Table 1 (Dwelling Size Priorities) within Local Plan policy H7 (Large and Small Homes), a copy of which is attached as Appendix 2 to this appeal statement advises that, in terms of market housing, there is a high demand for 3-bedroom units, whilst the 2011 Census found that 70% of Camden households comprises units of 2 bedrooms or less.
- 6.11 This high demand for larger sized, family units and the associated high provision of small residential units within the Borough is a significant material consideration, but the LPA's delegated report makes no reference to policy H7 and therefore the LPA has failed to attach any weight to the provisions of this policy, relying solely on the fact that the appeal site is not within one of the wards identified as being where a low proportion of large dwellings exists.
- 6.12 Given the documented high demand within the Borough for large family-sized units, the fact that the mix of existing accommodation within the appeal property is typical of 70% of the Borough as a whole, and, on a street-specific level, typical of over 84% of the street, substantial weight should be attached to the provision of an additional family sized dwelling within Estelle Road.
- 6.15 Indeed, the provision of a large, family sized dwellinghouse, benefitting from its own private garden and restoring the original use of the building, would make a positive contribution to the housing stock within the Borough by assisting in the creation of a mixed, inclusive and sustainability community which will reduce mismatches between housing needs and existing supply, in accordance with Local Plan policy H7.
- 6.14 Turning to the third criteria set out with adopted Local Plan policy H3, it is acknowledged that all three existing flats within the appeal building satisfy the Nationally Described Space Standards. However, neither of the upper floor units benefit from access to any private amenity space, which, in addition to their small size, would make them unattractive for family accommodation.
- 6.15 On balance therefore the principle of the amalgamation of the existing residential units to create a single family dwellinghouse, i.e. restoring the original use of the application building, would accord with the development plan, including Local Plan policies H3 and H7.
- 6.16 It is noted that the LPA cited no other reason for refusal of the planning application to which this appeal now relates and this is reflected by how the LPA's Officer delegated report cited no other concerns or issues with the proposals.

## **7.0 Conclusions**

- 7.1 As detailed within this planning statement, the proposed amalgamation of the appeal property would secure the provision of a high quality, generous proportioned single family dwellinghouse, contributing positively to the mix of housing stock within the Borough, including by way of the provision of a much sought-after family sized unit benefitting from a garden at ground floor level.
- 7.2 Taking into account the street-specific character of Estelle Road, within which currently over 84% of existing buildings comprise small self-contained residential units, and also the high demand within the Borough for family sized market accommodation, we respectfully request that this appeal be allowed and planning permission granted for these proposals, subject to the imposition of appropriate, necessary and reasonable conditions.