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VIA PLANNING PORTAL

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Head of Planning
London Borough of Camden

Dear Sir/Madam,

RETENTION OF C4 HMO NO. 4 LOCK MEWS, NW1 9AD TOGETHER WITH EXTERNAL ALTERATIONS COMPRISING THE REPLACEMENT OF THE GARAGE DOOR WITH NEW FENESTRATION.

We are instructed by our client, **Mr Coulter**, to submit a planning application to regularise the C4 HMO use at 4 Lock Mews, Camden together with external alterations comprising the replacement of the garage door with new fenestration.

The property is a terraced property which forms part of an estate bounded by Torriano Avenue to the north from where access is taken, Bushy Place to the west and Camden Road to the east.

The accommodation is provided over three storeys as follows:

- At **ground floor level** there is a former garage accommodation used as the living/dining room; access corridor, utility and access to a rear garden;
- At **first floor level** a kitchen and bedroom;
- At **second floor level** two further bedrooms, one with an en-suite and a separate bathroom;
- At **third floor level** two bedrooms, one with an en suite and a family bathroom.

Each of the individual bedrooms is occupied by a single tenant to total six persons living together in a HMO-style arrangement.

This planning application arises from a need to regularise the use of the site albeit the HMO occupation has evolved with time and is historical, and the property has been the subject of a series of HMO licences under Section 64 of the Housing Act 2004, the latest one of which was issued in April, 2022.

In respect of planning history the statutory register confirms relevant applications as follows:

- **2016/3330/P**
4 Lock Mews London NW1 9AD
Retention of garden shed to rear of dwelling class C4 (retrospective).
APPEAL DECIDED - 04-07-2016
Refused and Warning of Enforcement Action to be Taken
- **2015/5154/P**
4 Lock Mews London NW1 9AD
Retrospective application for existing single storey rear extension.
FINAL DECISION - 22-09-2015
Granted
- **2015/2220/P**
4 Lock Mews London NW1 9AD

The most recent planning history entry was in relation to the application for the retention of a garden shed to the rear of the property and the description of development taken forward in relation to this proposal was as follows:

Retention of garden shed to rear of dwelling class C4 (retrospective).

However, this was by no means a clear legal determination of the C4 status of the property and hence the need for this application.

It is noted that the appeal following the refusal of the application for the retention of the garden shed was allowed and so no enforcement action was forthcoming.

As context we note that a change of use from C3 to C4 is permitted development by virtue of Class L of the GPDO which reads as follows:

Class L – small HMOs to dwellinghouses and vice versa

Permitted development

L. Development consisting of a change of use of a building—

- (a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;**
- (b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.**

In this case as the HMO has been in place for a number of years the lawful use of the property is not C3 so the position is not clear enough to rely upon a Class L change of use.

It is, however, material to appreciate that a change of use back to C3 and then post a period of C3 occupation a change of use from C3 to C4 under the GPDO is a fall-back position.

In respect of the Development Plan we rely upon the following policy context:

- **Policy H10** of the Camden Local Plan, 2017;
- **Policy H9** and associated **explanatory text at paragraph 4.9.4** of the London Plan, the Spatial Development Strategy for Greater London adopted in March 2021.

This policy compendium is set out in totality below starting with the local level policy context:

Policy H10 Housing with shared facilities ('houses in multiple occupation')

The Council will aim to ensure that there is continued provision of housing with shared facilities to meet the needs of small households with limited incomes and modest space requirements.

We will support development of housing with shared facilities (houses in multiple occupation) provided that the development:

- a. will not involve the loss of two or more self-contained homes;**
- b. will not involve a site identified for self-contained housing through a current planning permission or a development plan document, unless it is shown that the site is no longer developable for self-contained housing;**
- c. complies with any relevant standards for houses in multiple occupation;**
- d. contributes to creating a mixed, inclusive and sustainable community;**
- e. does not create a harmful concentration of such a use in the local area or cause harm to nearby residential amenity; and**
- f. is secured as a long-term addition to the supply of low cost housing, or otherwise provides an appropriate amount of affordable housing, having regard to Policy H4 Maximising the supply of affordable housing.**

We will resist development that involves the net loss of housing with shared facilities (houses in multiple occupation) or the self-containment of any part of such a housing unless either:

- g. it can be demonstrated that the accommodation is incapable of meeting the relevant standards for houses in multiple occupation, or otherwise genuinely incapable of use as housing with shared facilities; or**
- h. adequate replacement housing with shared facilities will be provided that satisfies criteria (a) to (f) above; or**
- i. the development provides self-contained social-affordable rented homes.**

Where the Council is satisfied that a development involving the net loss of homes with shared facilities is justified, we will expect it to create an equivalent amount of floorspace for permanent self-contained housing (in Use Class C3), secured as a long-term addition to the supply of low cost housing, or otherwise providing an appropriate amount of affordable housing, having regard to Policy H4.

And, the strategic planning policy context:

Policy H9 Ensuring the best use of stock

A Boroughs should promote efficient use of existing housing stock to reduce the number of vacant and under-occupied dwellings.

B The Mayor will support boroughs with identified issues of new homes being left empty, sometimes known as 'buy to leave' properties, to put in place mechanisms which seek to ensure new homes are occupied.

C Boroughs should take account of the impact on housing stock and local housing need when considering applications for a change of use from housing to short stay holiday rental accommodation to be used for more than 90 days a year.

D Boroughs should take account of the role of houses in multiple occupation (HMOs) in meeting local and strategic housing needs. Where they are of a reasonable standard they should generally be protected

And associated text:

4.9.4 Houses in multiple occupation (HMOs) are an important part of London's housing offer, reducing pressure on other elements of the housing stock. Their quality can, however, give rise to concern. Where they are of a reasonable standard they should generally be protected and the net effects of any loss should be reflected in Annual Monitoring Reports. In considering proposals which might constrain this provision, including Article 4 Directions affecting changes between Use Classes C3 and C4, boroughs should take into account the strategic as well as local importance of HMOs

The most relevant policy is therefore H10 of the Local Plan and we note that this is a permissive policy with the introductory paragraph confirming that the Council will ensure that there is continued provision of housing with shared facilities to meet the needs of small households with limited income and modest space requirements.

We would add that this is consistent with national planning policy with paragraph 60 of the NPPF reading as follows:

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Policy H10 then goes on to confirm that the Council will support the development of housing with shared facilities provided that a number of policy criteria are met.

We now address policy H10:

In respect of critierion (a) the proposal will not involve the loss of two or more self-contained homes.

In respect of critierion (b) the site is not identified for self-contained housing.

It was clearly originally permitted as such and a change of use, albeit retrospective is now sought, and of course critierion (a) above applies.

In respect of critierion (c) the proposal does comply with relevant standards for houses in multiple occupation and a HMO licence has been issued.

In respect of critierion (d) the proposal does contribute to creating a mixed, inclusive and sustainable community as it provides a particular form of housing as a complement to other housing which is provided on the immediate estate.

In respect of critierion (e) we are not aware of any other HMOs in the immediate vicinity such that cumulatively there would be a harmful concentration of such uses in the local area which would give rise to harm to nearby residential amenity.

We also note that the previous appeal decision in respect of the retention of the shed in the rear garden was originally refused on amenity grounds and these were found to be unsubstantiated.

In respect of critierion (f) the proposal is secured as a long-term addition to the supply of low-cost housing as the proposal is retrospective and by clarifying the planning permission it is clear that this use will continue.

We note that the second component of the policy deals with the loss of housing in multiple occupation and therefore is not relevant, however, the tangential point is that it is supportive of the retention of this type of accommodation.

At strategic level the London Plan recognises the need for such accommodation and consequently this application on a retrospective basis adheres to the provisions of the Development Plan.

The new widows is a modest addition and in keeping with the local context.

Ian Coward from these offices is dealing with this matter.

Yours faithfully