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Our Ref: 22.5054

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Nora-Andreea Constantinescu  
Planning Department  
London Borough of Camden  
Crowndale Centre  
218 Eversholt Street  
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London  
NW1 1BD

Dear Nora-Andreea,

**Re: 5 Peto Place, London, NW1 4DT**

I am writing to you on behalf of our client, Mr Raymond Goldsmith, in regards to planning application that has been submitted in respect of the above site, seeking for the reversion of the basement from office (Class E) use back to its original residential (Class C3) use.

Specifically this letter seeks to address Officer concerns raised in regards to Camden Local Plan Policies E1 and E2 respectfully and concludes that the reversion of the basement back to its original residential use is fully justified in planning terms.

## Background

The applicant is the owner of both 5 Peto Place ('site') and 9 Albany Street, with 5 Peto Place essentially forming the basement level of 9 Albany Street. Whilst both properties were original in residential use, the basement at 5 Peto Place was previously in use as a home office but this use ceased in April 2020 due to the pandemic and has not been in office use since asides as for a mailing address.

The applicant's situation has now changed and they have converted the basement back to its original residential use. As such, an application has been submitted to the Council with accompanying documentation being provided by Paper Project Architects (PPA).

The basement forms part of a larger, existing residential dwelling and indeed, it is understood that the majority of properties in the terrace (of which the subject site is a part of) are in fact in residential use. This means that the overall character of the area is primarily residential and so the residential use of the basement is considered both acceptable and in keeping with the character of the area.

In discussions with the scheme architects, Officers raised concerns in respect to Camden Local Plan Policies E1 and E2 due to the site's Central London Area location. All other matters relating to design and amenity are considered to have been determined as acceptable by the Council and so are not addressed in this letter.

As discussed, whilst the basement was previously in use as an office, this use ceased in September 2020 and since that time, the basement has remained vacant. Now that the applicant's circumstances have changed and they require the



basement at the site to be used as an overflow residential space to accommodate a growing family, they wish to convert the basement back to its original residential use so that it forms part of the primary residential dwelling at 5 Peto Place and 9 Albany Street.

### **E1 (Economic Development)**

Local Plan Policy E1 seeks to secure a *successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses.*

Whilst the principles of this policy are supported, it is not considered that they can be applied to the site due to its somewhat unique circumstances and so is not applicable to this application.

The basement has in effect been used as a home office from circa 1990 up until this office used ceased in September 2020. Previously the basement had been in residential use and is connected to the main residential property. Therefore, the basement is considered to be a home office as opposed to a more traditional office which requires employees to travel to work.

The pre-existing plans (drawing no.: 22556\_P\_06) prepared by PPA, allude to the historic residential use of the basement by depicting the kitchenette.

Further to this, it is also important to note that the applicant was primarily the sole employee for the business and was self-employed before their circumstances changed, running their business from the basement of a residential property.

Given the use of the basement as a home office from which the applicant could run his business from his own home, it is not considered reasonable or justified to apply Policy E1 to a primarily residential property.

### **E2 (Employment Premises and Sites)**

Policy E2 builds on the principles of Policy E1 and states that amongst other things, the Council will protect premises or sites that are suitable for continued business use. Whilst we would argue that as E1 is not applicable to the site, by extension E2 is also not applicable, for completeness we discuss this policy in respect of the proposal below.

The Council will resist development of business premises and sites for non-business use unless it can be demonstrated to the Council's satisfaction:

- a. The site or building is no longer suitable for its existing business use; and
- b. That the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.

When assessing proposals that involve the loss of a business use to a non-business use the Council will, amongst other things, consider the suitability of the location for any business use; whether the premises are in a suitable condition to allow the use to continue; and whether the business use is well related to nearby land uses.

In the first instance, it is important to reiterate that this site is considered unique in terms of the policy given that it is in fact a home office that was converted from an original residential use to an office

use to provide a home office for the homeowner to conduct their business from. The office use was therefore ancillary to the primary residential use of the site – the majority of which continued to remain in residential use. It is also important to note that the other basements in the terrace are in residential use, with the subject site the only basement understood to have ever been in office use.

Therefore, in response to criteria a. given the fact that the office use ceased 2 years ago and the owner now wishes to convert the basement back to its former residential use so they extend their home to accommodate a growing family, the site is clearly no longer suitable for business use.

The above marries with criteria b. in so much that given the basement is linked to the applicant's home, there is no realistic possibility of retaining, reusing or redeveloping the site for a similar business use.

It is considered entirely unreasonable for the applicant to rent out part of their family home to a business they have no connection with or to assume that the applicant should be expected to share part of his home with an unknown business use.

Whilst the aims of this policy are again supported in principle, it is not considered that this policy can justifiably be applied to home offices given their unique nature in terms of office premises. By their very nature, home offices are intended to be used primarily by the homeowners for their personal businesses and once the homeowner decides to cease operating a business from their home, the office is converted back to its former residential use. This is the intention with this application.

In light of the above, the site is not considered a suitable location for a further business use. As advised, it is not considered reasonable to expect the basement of a private residential dwelling (regardless of its previous use as a home office) to be used for continued business use by an unknown person once the homeowner decides to cease business operations.

This above point ties in with whether the premises are in a reasonable condition to allow the business use to continue. Whilst the premises are in a reasonable condition, we would strongly question whether their condition would allow a business use to continue. Again, this is due to the fact that the basement forms part of a residential dwelling and its continued use as an office by an unknown occupier would be severely detrimental to the site's historic residential use and would negatively impact on the occupiers quality of living. Therefore, whilst the premises are in a materially reasonable condition, they are not considered to be in a suitable condition for continued business use due to the damaging impact this will have on the residential element and the occupiers' standard of living.

As discussed, all other basements in the terrace are understood to be in residential use with only the basement at the site having been in office use. The site therefore represents something of an anomaly in terms of surrounding land uses. Thus, it is considered that the subject basement's re-conversion back to its original residential use is acceptable and is a much more appropriate use given the character of the surrounding area.

The above robustly and comprehensively demonstrates that the subject site is unique due to its use as a home office and the previous office use was ancillary to the residential use of the building. As the basement is linked to the residential upper floors, this application has to be viewed and considered on its own merits and individual circumstances.

It has been discussed in detail that the applicant intends to convert the basement back to its original residential use so it can once again form a residential element of the existing dwelling.

A pragmatic and logical application of policy is required in this instance and it is not considered justified that either Policies E1 or E2 can be applied to this application in the same way that they would with a traditional office. A home office is considered fundamentally different from a destination office in that it already forms part of a home and is used by the owner of that home.

It is neither reasonable nor justified to expect the applicant to rent out part of their home to an unknown person to conduct a business from. The impact of this on the applicant's home life and standard of living would be totally unacceptable and result in very significant detrimental impacts on the standard of living for current and future occupiers.

Whilst it is acknowledged that the applicant is not seeking to create a basement but rather convert the existing basement back to its original residential use, the Mayor's words in the London Plan are still considered to be of relevance. The Mayor considers basements can contribute to the efficient use of land, and provide extra living space without the costs of moving house. As mentioned, due to changing circumstances, the applicant now requires the basement as additional living space to accommodate a growing family.

This proposal will see the basement restored to its original residential use and provide the occupiers with extra living space in the spirit of the Mayor's comments in the London Plan. Whilst it is acknowledged that the Council are seeking to protect employment land, in real terms the re-conversion of this home basement office back to a residential use will have no noticeable impact on the supply of employment floorspace within the Borough. The basement has only been used as an office by the applicant and prior to its conversion to office use in circa 1990, the basement was in residential use.

Further to this, the basement has only been used as an office by the applicant and now that the applicant has ceased business operations, the loss of this office floorspace cannot be reasonably considered to have any impact on office provision throughout the Borough.

## **Conclusion**

As has been discussed in detail, we do not consider that Policy E1 and, by extension, E2 of the Camden Local Plan can reasonably be applied to the site given the unique set of circumstances with the basement having been used as a home office.

Whilst the applicant does acknowledge the importance of protecting office floorspace, in this instance the basement's reversion back to its original residential use is considered entirely acceptable and justified.

The basement has only been used as an office by the applicant and no other businesses and is connected to the applicant's family dwelling, and thus is considered ancillary to the residential use of the site as a whole. It is therefore not reasonable or justified to expect the applicant to market the basement for a future business occupier given the extremely detrimental impacts a future business occupier will have on the applicants' standard of living.

Due to the fact the applicant has now ceased business operations from their basement, the site is no longer considered suitable for business use and its reversion to a residential use is considered a more acceptable and appropriate use, especially given the surrounding context.

The Council is therefore respectfully requested to employ a degree of pragmatism and flexibility when assessing the proposal against Policies E1 and E2.

Whilst I trust that this letter clearly sets out the uniqueness of the site and the fact that Policies E1 and E2 are not applicable, should you require any further information or wish to discuss matters further over a call, I would be more than happy to assist.

Yours sincerely,

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**Senior Planner**  
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