

Date: **9th August 2022**
Your ref: **APP/X5210/W/22/3297994**
Our ref: 2021/4219/P
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Dear Ms. Daisy Casemore,

Planning Appeal by Mr Adam Beamish
Site: 37 Estelle Road, London NW3 2JX

Appeal against the refusal of planning permission dated 22/12/21 for
'Amalgamation of three flats to a single family dwellinghouse, bike store to front garden and insertion of new window to side elevation at ground floor level.'

The Council's case for this appeal is largely set out in the officer's delegated report. This statement details the site and surroundings, the site history, and a consideration of the main issue: land use. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following information and comments, before deciding the appeal.

Summary of issues

This appeal relates to a 3 storey mid-terrace property, which has been subdivided into three separate flats. The surrounding area is characterised by dwellings of similar style and character.

The site is not listed, however it lies within the Mansfield Conservation Area. The Mansfield Conservation Area Appraisal and Management Plan (2008) states that all original buildings within the conservation area, unless identified as a building that detracts from the conservation area, are considered to make a positive contribution to the conservation area.

It is acknowledged that applicant considers that the proposed development is acceptable. However, the council considers that the proposal to amalgamate the three flats into a single family dwellinghouse would result in the unacceptable net loss of two residential units, which would undermine the Council's aims in terms of maximising housing supply.

The planning application is for the amalgamation of the three flats into a three-bedroom single family dwellinghouse, as well as the insertion of a new window to the side elevation at ground floor level and the erection of a bike store within the front garden. This was refused on 22 December 2021 on following grounds:

1. 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.

The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments.

2. Relevant History

2018/5855/P – Granted May 2019

Conversion of HMO unit, spare room and communal bathroom (Sui Generis) at first floor level to self-contained flat (Class C3) (to a total of 3x self-contained flats in the building); replacement windows to front.

Status of Policies and Guidance

The London Borough of Camden Local Plan was formally adopted on 3rd July 2017. The council's policies are up to date and there is no conflict with the NPPF in relation to this appeal. The policies cited below are of relevance to the applications.

Camden Local Plan 2017

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 – Heritage

Policy H1 – Maximising housing supply

Policy H2 – Protecting existing homes

Camden Planning Guidance

In refusing the application, the Council also refers to supporting documentation in Camden Planning Guidance. The specific clauses most relevant to the proposal are as follows:

CPG Amenity (2021)

Section 2

CPG Home Improvements (2021)

Sections 3.1, 5.4

CPG Housing (2021)

Section 10

Comment on the Appellant's Ground of Appeal

The appellant grounds of appeal can be summarised as follows:

1. The criteria as set out within Local Plan policy H3, in particular the first point in relation to the wards within Camden that have a low proportion of larger dwellings, is too simplistic and does not take into account site-specific circumstances. The site-specific circumstances in this instance are that, according to the appellant, a large number of properties along Estelle Road (over 84% according to the appellant's research) have been converted into flats, with the remaining properties remaining in use as single family dwellinghouses.
2. The appellant contends that in light of the above, there is a need for family-sized single family dwellinghouses in the immediate area which would be satisfied by this proposal.
3. As existing, the two upper floor units are a small size and do not have access to private amenity space, which makes them unattractive for family accommodation.

The Council's comments on the grounds of appeal

The Council does not accept the appellant's assertions for the following reasons. The Council will address each of the appellant's grounds for appeal in the order they are set out above.

- 1.1 Local Plan Policy H3 is clear in stating that development that would involve the net loss of two or more homes will be resisted, as well as setting out the three situations where this would exceptionally be considered acceptable. Further guidance is contained within sections 3.73 to 3.80 under policy H3, as well as section 10 of CPG Housing (2021).
- 1.2 Section 3.73 of Policy H3 states that since March 2008, approximately 50 dwellings a year have been lost through development involving a net loss of homes, and therefore that the overall supply of housing will not be compromised by developments involving a net loss.
- 1.3 As stated within the delegated report, section 3.76 under policy H3 states that the net loss of two or more homes to create a large home (3 or more bedrooms) would be acceptable in four wards with a low proportion of large dwellings – Bloomsbury, King's Cross, Holborn and Covent Garden and Kilburn. The

application site is situated within the ward of Gospel Oak, and thereby not falling within the above guidance.

- 1.4 The appellant has stated that the approach taken to the above guidance is too simplistic. This is not accepted. As stated within sections 10.10 – 10.12 in CPG Housing, the four wards specified above are based on the analysis of Census data, identifying areas where a proportionately small number of households live in smaller homes. As mentioned in sections 10.12 and 10.15, guidance on the identified parts of the Borough is continually updated to reflect changes in Census data, with wards being added and removed from the identified list. As CPG Housing was published in January 2021, it is considered that these criteria are up-to-date and specific enough for these purposes.
- 2.1 It is not considered realistic for the Council to be able to consider the way that properties are occupied on a street-by-street basis. A search into the planning history of properties along Estelle Road shows that there have been a number of conversions into flats over the years, however the numbers provided by the appellant cannot be verified or relied upon in this instance. It is considered that assessment based on ward level provides a satisfactory level of local context to assess proposals of this nature.
- 2.2 The Council's position on resisting the net loss of two or more homes has been consistent over time, including, but not limited to, a similar proposal being refused in July 2006 at no. 27 Estelle Road (reference: 2006/2300/P).
- 2.3 An appeal was dismissed at 25 Lancaster Grove in July 2013 (2012/2698/P, Appeal Ref: APP/X5210/A/13/2191564), with the site being in Belsize ward, which is not one of the specified wards where such a proposal would otherwise be allowed. The Inspector states that there does not appear any reason to deviate from the Council's guidance, and in this instance the Council urges the Inspector to follow a similar approach.
- 3.1 It is acknowledged that the upstairs flats may not have access to outdoor amenity space. However, the reference to 'sub-standard' within policy H3 relates to meeting requirements with reference to the nationally described space standards. The nationally described space standards relate only to the gross internal areas of properties, and does not require any provision for amenity space.
- 3.2 Section 10.14 in CPG Housing states that proposals for the net loss of two or more homes will be considered favourably 'if existing homes are 20% or more below the minimum space standards set out in the nationally described space standard'.
- 3.3 As stated within the delegated report and both the original planning statement and statement of case provided by the appellant, the existing units all meet space standards. Given that outdoor amenity space does not fall within the assessment for nationally described space standards, the proposal would not have to be considered against this criteria and considered an exceptional circumstance.

Delegated report

The full assessment is set out in the delegated report.

Other Matters

On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal. In the event of the appeal being allowed the conditions provided below.

If any further clarification of the appeal submissions is required, please do not hesitate to contact Fergus Wong on the above direct dial number or email address.

Yours sincerely

Fergus Wong
Planning Officer
Regeneration and Planning

Proposed Conditions

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Statement dated August 2021; PL-1000 Rev. 00; PL-1001 Rev. 00; PL-1002 Rev. 00; PL-1010 Rev. 00; PL-1011 Rev. 00; PL-2000 Rev. 00; PL-2001 Rev. 00; PL-4000 Rev. 00; PL-4001 Rev. 00

Reason: For the avoidance of doubt and in the interest of proper planning.

3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

4. Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Bike store to front garden.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

5. The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.