



Appeal Decision

Site visit made on 9 January 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2023

Appeal Ref: APP/X5210/W/22/3303899

31 Agar Grove, London NW1 9UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jim Kantarci against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/5956/P, dated 6 December 2021, was refused by notice dated 17 February 2022.
 - The development is conversion from 1x3 bed flat to a self-contained 1x2 bed flat and a Studio flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I did not enter the property, apart from the front yard space. However, there is no dispute between the main parties that the development described in the banner heading above has already taken place and, therefore, I have determined the appeal on that basis.
3. Following the Council's decision, a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted which aims to secure that the development would be car-free and, in turn, address the Council's second reason for refusal. I comment on the obligations later in my reasoning.

Main Issue

4. The main issue is whether or not the development provides for an appropriate range of homes, having specific regard to occupancy levels and local housing need.

Reasons

5. 31 Agar Grove is a traditionally designed, semi-detached, four storey property. The property is served by a yard to the front and a garden to the rear. The development subject of the appeal relates to the accommodation within the two lower storeys of the property only with the remaining upper floors to remain as existing and unaltered. There are a range of properties on Agar Grove, but many are similar in appearance to No 31. The local area has a mixed character, there are many residential properties but there are also commercial uses nearby to the site.

6. The justification to Policy H7 of the Camden Local Plan, 2017 (CLP) does state that there is a need for every dwelling size, whilst the Dwelling Size Priorities Table does identify that 3-bedroomed and 2-bedroomed market sector dwellings are each a high priority. However, paragraph 3.196 of the same justification, which relates to the conversion of existing homes, states that "*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.*" The inclusion of this statement signifies to me there is a particular requirement or benefit in preserving such properties in the interests of meeting the Borough's housing need. The flat which has been converted, and subject of the appeal, was both 3-bedroomed and had access to an outside space. Therefore, the development has resulted in the loss of a form of dwelling which Policy H7 specifically seeks to minimise.
7. The appellant has put to me a series of figures relating to average house prices, average household size, the percentage of Camden households comprising of one person living alone, and the percentage of privately renting households that are one family unit which occupy 1 and 2-bedroom properties and 3 and 4-bedroom properties. However, the evidence does not present me with the likes of trends over the passage of time and it has not been shown to me that some of this evidence does not signify that many households are occupying unsuitably small homes, which, conversely, would indicate larger homes are those most in need. Moreover, that many properties within the local area may have been subdivided and, family housing does not predominate, does not justify a further conversion of a 3 bedroomed property. It has not been shown to me that, conversely, the lack of family housing in the area evidences a greater need for it. Therefore, these submissions do not provide compelling evidence that there is a greater need for the 1 and 2-bedroomed properties created than the 3-bedroomed property that has been converted.
8. I acknowledge the content of the marketability report¹, including the opinion therein that it would be "*much harder*" to generate interest in the former 3-bedroomed flat than the 1 and 2-bedroomed properties. However, there is no evidence before me of any unsuccessful marketing exercises undertaken in respect of the 3-bedroomed flat nor any evidence that the property has had any substantial periods of vacancy. Consequently, it has not been shown to me that there has not been demand for the 3-bedroomed property nor that it would not have been let or occupied successfully.
9. The appellant has put to me that the objectively assessed needs for housing are a minimum and I accept that the subdivision of the 3-bedroomed flat has resulted in the net gain of a single dwelling, thereby making a contribution to housing supply. Policy H1 of the London Plan, 2021 and Policies H1 and H4 of the CLP may also seek to maximise the provision of housing on brownfield land and within the Transport for London Public Transport Accessibility Levels 3-6. However, in providing only a single additional dwelling, the contribution to housing supply would be very modest and insufficient to outweigh the harm that would be caused by the loss of the 3-bedroomed flat.
10. Policy H7 of the CLP does state that a flexible approach to the mix of dwelling sizes will be taken, having regards to a range of factors which are listed under criteria c-h. Given my findings above, I have no compelling evidence before me

¹ Letter from Hunters dated 16 July 2022

that there are any particular factors relevant to the appeal scheme or the criteria within Policy H7 which demonstrates that the loss of the 3-bedroomed flat in favour of the 1 and 2-bedroomed properties created is appropriate in this case.

11. Policy H7 of the CLP does acknowledge that dwelling size requirement projections are fraught with difficulty, but I have no reason to conclude that the content of the policy has been found to be inaccurate in any way. Furthermore, that the Camden Planning Guidance Housing Supplementary Planning Document, 2021 does not provide more detailed percentage aims for dwelling sizes than contained within Policy H7 does not demonstrate to me that the content of Policy H7 is now outdated or should not be relied upon.
12. It may be the case that elsewhere in London geographical areas have been allocated where family housing has been identified for retention or as being particularly vulnerable to the effects of conversion. However, the absence of those areas in this case does not justify the development or invalidate that Policy H7 seeks to minimise the loss of 3-bedroomed properties with outdoor space.
13. It may be that at the time of the earlier grant of planning permission², which originally created the 3-bedroomed flat, that 2-bedroomed properties were a higher priority. However, housing needs and supply do change over time and the greater need for 2-bedroomed properties that may have existed at that time is of little relevance to this particular case now. Furthermore, that the property may not have been a family home for much of its post 1947 history does not alter that up until recently the property has contained a 3-bedroomed flat.
14. I find that the Council having resisted proposals in the past to convert the studios with shared facilities on the upper floors of the property has little bearing on the appeal scheme. Policy H10 of the CLP, which relates to housing with shared facilities, seeks to resist development that would result in the loss of such housing unless particular circumstances apply. Like Policy H7, Policy H10 seeks to manage development to meet certain housing needs and I do not find the purposes of the policies contradictory.
15. Consequently, I find that in converting a 3-bedroomed property with access to outdoor space, the development has not provided for an appropriate range of homes, having specific regard to occupancy levels and local housing need. The development is therefore harmful and contrary to Policy H7 of the CLP which, in summary and amongst other matters, seeks to secure a range of homes that contributes to the creation of mixed, inclusive and sustainable communities and which reduces the mismatch between housing needs and supply.

Other Matters

16. The appellant has accepted that the development is required to be car-free. The planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) is not correctly executed and therefore would not secure that the development would be car-free. Given the incomplete form of the section 106 agreement, the appellant has suggested that the development could be secured as being car-free via the use of a condition. However, given I

² Application reference 2013/5196/P

am dismissing the appeal, it is not necessary for me to look at the detail of either the submitted section 106 agreement nor the suggested alternative condition.

17. The appeal site is located within the Camden Square Conservation Area (CA). I find that the Camden Square green space, the streets arranged in a grid-like layout around this green space and the predominance of residential properties, many of which incorporate distinctive architectural detailing and materiality, contribute to the character and appearance of the CA and its significance. As a residential property with distinctive detailing and mix of render and brickwork elevations, the host property is very reflective of the character and appearance of the CA and for these reasons contributes to its significance.
18. It has been put to me that as the development has provided investment into the property, including externally that, in turn, the development has enhanced the CA. However, no external alterations to the property are depicted on the plans or referenced within the description of the development itself. I have no substantive evidence before me to suggest that as the development has provided a means of creating additional housing, without the need for any external alterations, that it has reduced development pressure elsewhere within the CA. Therefore, I find that the development would have a neutral effect upon the CA and would preserve but not enhance its character and appearance.
19. The development may meet minimum space standards and provide acceptable living conditions for its occupants and neighbouring residents, whilst adequate cycle parking could be provided. However, the absence of harm in relation to these matters is neutral in the planning balance and does not outweigh the harm I have identified in respect of the main issue.

Conclusion

20. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR