



Appeal Decision

Site visit made on 3 June 2025

by Beverley Wilders BA (Hons) PgDURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2025

Appeal Ref: APP/X5210/W/24/3358163

33 Ferncroft Avenue, Camden, London NW3 7PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Ines de la Chaise against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/1200/P.
 - The development proposed is amalgamation of four residential units to a single dwelling and internal and external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 33 Ferncroft Avenue is a Grade II Listed Building. An application for Listed Building Consent (Ref 2024/1816/L) for the alterations to the building to facilitate the proposed use was submitted concurrently with the appeal proposal. Listed building consent was granted by the Council on 7 November 2024.
3. Reference has been made by the parties to the emerging Camden Local Plan (ECLP) which I am advised is at Regulation 18 stage. Given the relatively early stage of preparation of the ECLP and having regard to paragraph 49 of the National Planning Policy Framework (the Framework), I attach very limited weight to relevant policies within the ECLP.

Main Issues

4. The main issues are:
 - whether the proposed loss of residential units to form a single dwelling is acceptable having regard to the supply of homes in the area; and if not,
 - whether any benefits of the proposal, including heritage benefits, outweigh the identified harm.

Reasons

Loss of residential units

5. The appeal property is a substantial, semi-detached former dwelling currently subdivided into four flats. The proposal is to re-instate the property to a single dwelling. This would involve the loss of three flats and various internal and external alterations.

6. The submitted plans indicate that Unit 1 has 3 bedrooms, Unit 2 has 1 bedroom, Unit 3 has 2 bedrooms and Unit 4 has 1 bedroom. However, the Council consider Unit 1 to have 5 bedrooms (includes study x 2) and Unit 3 to have 3 bedrooms (includes study). This interpretation is not being disputed by the appellant.
7. Policy H3 of the Camden Local Plan 2017 (CLP) seeks to protect existing homes. Part C of the policy states that development will be resisted that would involve the net loss of two or more homes unless the listed criteria is met. This includes enabling sub-standard units to be enlarged to meet residential space standards.
8. There is disagreement between the parties about whether Unit 2 should be considered sub-standard for the purpose of Policy H3. However, the appellant acknowledges that even if Unit 2 were to be considered sub-standard, the number of dwellings to be lost would still be contrary to CLP Policy H3 unless the listed criteria was met.
9. Policy H7 of CLP states that the Council will aim to secure a range of homes of different sizes and seeks, amongst other things, to ensure that all housing development, including conversion of existing homes, contributes to meeting the priorities set out in the Dwelling Size Priorities Table. This table states that for market housing, 2 bedroom and 3 bedroom dwellings are high priority with 1 bedroom and 4 or more bedroom dwellings being low priority.
10. Even if I were to accept that Unit 2 is sub-standard and justifies some net loss of dwellings at the appeal property, the proposal is to form one large dwelling rather than to enable any existing sub-standard units to be enlarged to meet residential space standards. In addition, it includes the loss of a 3 bedroomed dwelling, a size of dwelling identified in the CLP as a high priority. Moreover, the single resultant dwelling would be large and would have 5 bedrooms as well as various other ancillary rooms such as a gym, library, study and art room. This size of dwelling is identified as a low priority in the CLP, and the appellant accepts that the proposal is contrary to CLP Policy H7.
11. The Council states that at the present time it cannot demonstrate a deliverable five year housing supply, stating a four year supply of 5429 homes against a requirement of 6836. These figures have not been disputed by the appellant who recognises the pressing need for new homes. As stated, the proposal would result in the loss of three dwellings.
12. Taking the above matters into consideration, I conclude that the proposed loss of residential units to form a single dwelling is not acceptable having regard to the supply of homes in the area. It is therefore contrary to Policy H1 of The London Plan 2021 and to policies H1, H3, H6 and H7 of the CLP. These policies seek, amongst other things, to ensure housing delivery and to maximise supply, to protect existing homes and to seek a variety of housing of different sizes.
13. Given the Council's housing land supply position and the Government's current commitment to boosting housing supply as set out in national policy, I attach considerable weight to the harm that would result from the loss of three dwellings. Whilst I note the appellant's view that the proposed loss of dwellings would have a negligible impact on local housing stock, it nevertheless exceeds the threshold of loss permitted by CLP Policy H3 and cumulatively with other similar scale losses, would have a significant effect on housing supply.

14. The weight to be given to this harm would not diminish even if I accepted the appellant's view that Unit 2 is sub-standard and would likely remain vacant if planning permission is refused and without alteration and improvements to its accommodation, including to its staircase.

Benefits of the Proposal

15. As stated, 33 Ferncroft Avenue is a Grade II Listed Building. It is one half of a semi-detached pair built in 1902 as single dwellings to the designs of CHB Quennell. The pair forms part of a wider group of houses within the Redington Froggnal Conservation Area (CA) of a similar style, by CHB Quennell and other leading architects of the late nineteenth century.
16. Planning permission was first granted for the conversion of No 33 from a single dwelling to flats in 1969 with various subsequent applications and permissions for alterations to the appeal property. The adjoining property 35 Ferncroft Avenue is in use as a single dwelling following the grant of planning permission in October 1999 for its change of use from 5 flats.
17. Nos 33 & 35 were listed in January 1999, at a time when both properties were in use as flats. The list description focuses on the exterior of the building and states that the interiors were not inspected. It is described in the List Description as "Pair of semi-detached houses. 1902. By CHB Quennell; built by GW Hart. Red brick. Tiled gabled and hipped roofs with tile-hung gabled dormers and overhanging bracketed eaves. Symmetrically designed pair".
18. Insofar as is relevant to the appeal proposal, the significance and special interest of the building derives from its architectural and historic interest and its association with CHB Quennell.
19. The building's scale, form, design and reasonably prominent siting means that it makes a positive contribution to the character and appearance of the CA. The CA is relatively large, and it includes an area of Hampstead to the north-west of Camden. It is mainly suburban in character. In part, and insofar as is relevant to this appeal, the significance of the CA derives from the architectural and historic interest of the buildings which contribute to the historic suburban townscape.
20. The proposed amalgamation of the existing four flats into one dwelling includes a number of internal and external alterations to the appeal property. These are shown on the submitted plans and discussed in detail in the heritage statement¹.
21. All of the internal and external alterations proposed have already been granted planning permission and listed building consent and no objections are raised to them by the Council. The Council's Conservation Officer notes that the alterations would offer clear heritage benefits in the form of reinstating a significantly damaged plan form in principal rooms on principal levels, reinstating the original single stair core and reinstatement of the windows in the rear elevation to their historic form.
22. As stated, the appeal property was constructed as a single dwelling and its subsequent subdivision into flats has resulted in significant harm to the original plan form of the building and the loss of historic fabric internally. The proposed internal alterations address many of the existing unsympathetic alterations such as

¹ Cogent Heritage dated 11 March 2024.

the removal of non-original staircases, removal of false ceilings, removal of stud partition walls and the replacement of unsympathetic detailing with more appropriate features, for example traditional skirting and cornicing. However, the property would not be fully returned to its original plan form with some non-original sub-divisions and alterations being retained and new ones proposed. Nevertheless, overall the internal alterations proposed and its use as a single dwelling again would enhance the significance of the property.

23. Externally, a number of existing openings in the side elevation are to be removed and a number of other openings in the rear elevation are to be replaced with more sympathetically designed windows and doors, with some also being enlarged. Unsympathetic timber balustrading to rear balconies and a projecting canopy are also to be removed with other proposed alterations such as replacement of concrete lintels and removal of render. However, not all non-original external alterations, such as the dormers, would be addressed by the proposal and some additional, new alterations are proposed. Notwithstanding this, overall the proposal would improve the external appearance of the building, particularly at the rear and would help to restore further symmetry with the adjoining property No 35.
24. Many of the proposed alterations could be carried out independently of the reinstatement of the use of the property as a single dwelling, though I acknowledge that a lot of the internal alterations and some of the external changes could not. In addition, I accept that in the absence of a comprehensive scheme to reinstate the single dwelling use, the same package of alterations and improvements might be less likely to come forward. Nevertheless, the proposal is not the only mechanism to secure many of the heritage benefits proposed, particularly as the property now appears to be in single ownership.
25. Though some parts of the property are in need of repair, the building is not at risk and there is no evidence to suggest that the existing use is not viable.
26. The fact that the statutory requirement is to preserve and not enhance the significance of a listed building does not mean that positive weight should not be given to the heritage benefits of the proposal.
27. Taking all the above into consideration, I attach significant weight to the heritage benefits of the proposal which would enhance the significance and special interests of the listed building and would also enhance the character and appearance of the CA. However, these benefits do not outweigh the considerable harm that would result from the loss of three dwellings, at least two of which offer satisfactory living conditions.
28. In reaching my decision I have had regard to paragraph 221 of the Framework. This sets out the need to weigh up the benefits of enabling development which would secure the future conservation of a heritage asset to see whether it would overcome any conflict with the development plan. For the reasons stated, that would not be the case with the proposal.
29. My attention has been drawn to the fact that the Council has previously refused planning permission for the subdivision of housing on Ferncroft Avenue (No 37) and granted planning permission for the reinstatement of a single dwelling from flats (No 35). However, these applications were determined sometime ago (1989 and 1999 respectively) when different planning policies and circumstances were in

place. In any event, I must determine the proposal before me on its own merits and on the basis of the submitted evidence.

Other Matters

30. I note that there is support for the proposal from neighbouring occupiers and from the Council's Conservation Officer who note the heritage benefits that would ensue. However, as stated above, I do not consider that these benefits, together with any other benefits, outweigh the harm resulting from the loss of dwellings.
31. I also note that it appears that the case officer initially indicated that the application would be supported. Nevertheless, the Council subsequently refused planning permission, and I have determined the appeal accordingly.

Conclusion

32. The proposal is contrary to the development plan when taken as a whole. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan.
33. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR