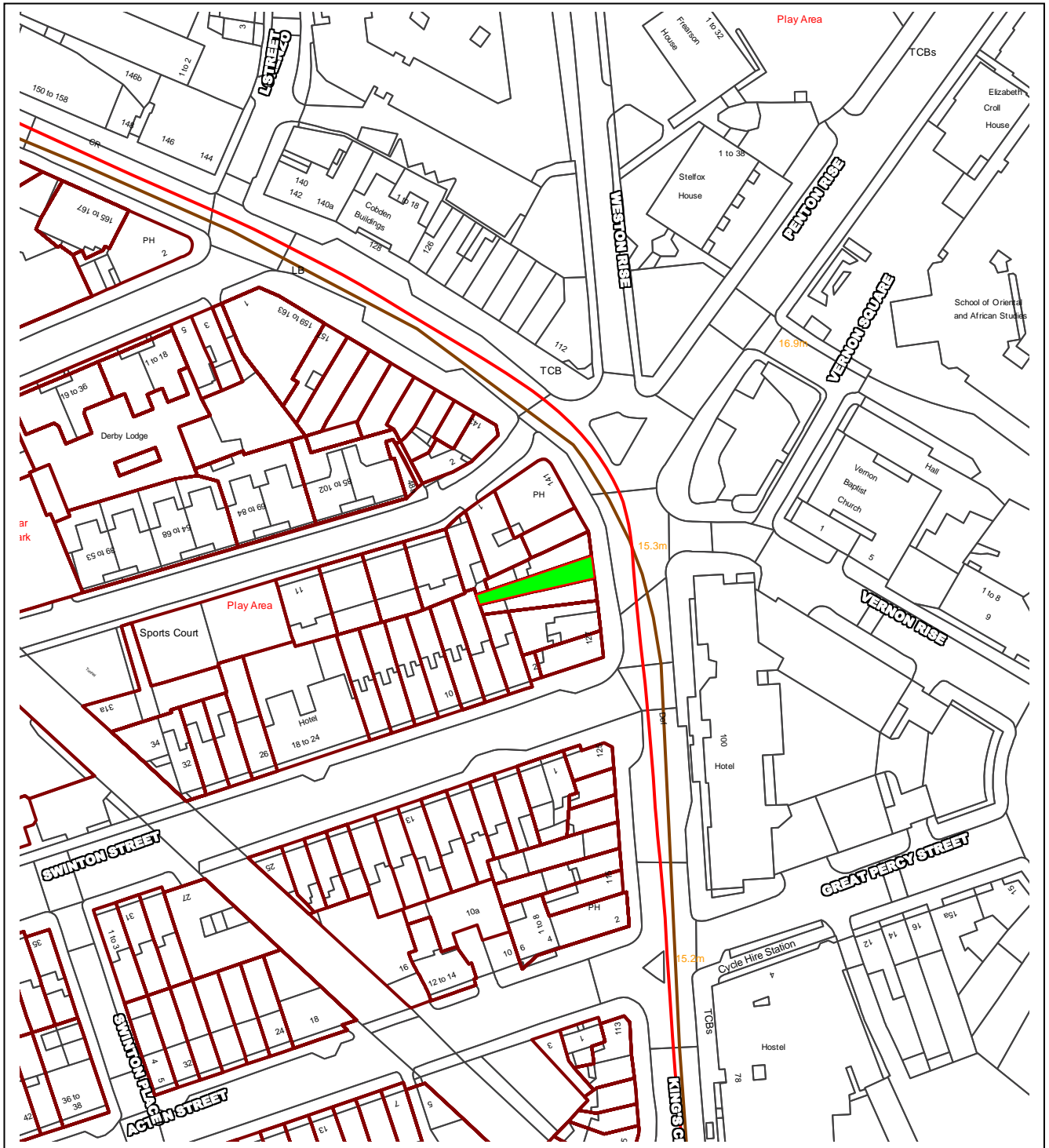


2023/0891/P - Flat A 135 King's Cross Road London WC1X 9BJ



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Figure 1: Front elevation of application site and row of terraces. The application site is located 4th from the left of image.



Figure 2: Front elevation of the application site. Application site is located in the middle of the 3 terraces.



Figure 3: Rear elevation of application site. Existing extraction system visible on application site.



Figure 4: Aerial view showing existing development along King's Cross Road, and application site outlined in red.



Figure 5: Proposed Lower Ground Floor Plan and Ground Floor Plan.



Figure 6: Proposed First Floor Plan and Second Floor Plan.

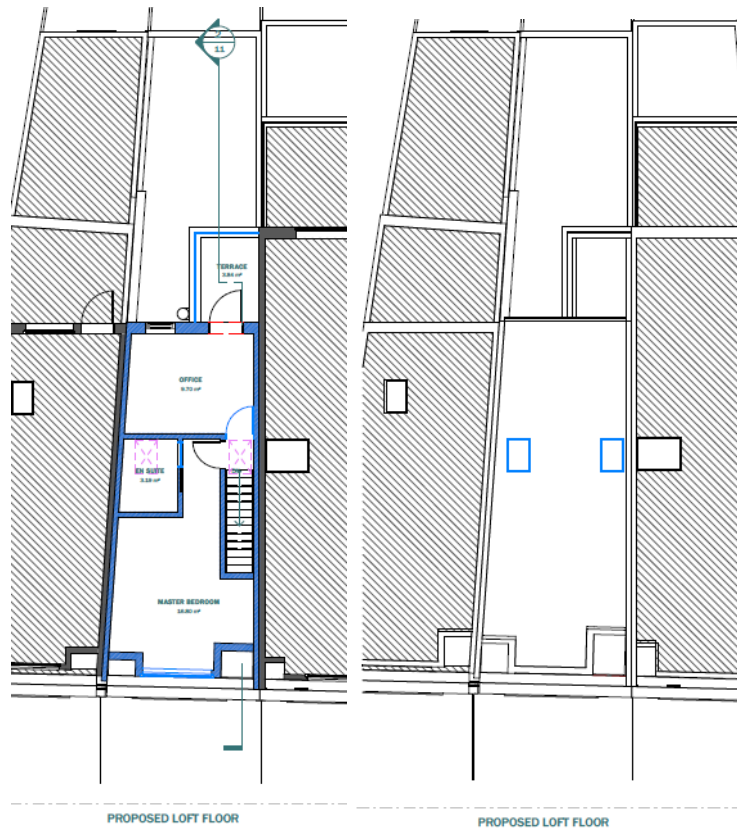


Figure 7: Proposed Loft Plan and Roof Plan.



Figure 8: Proposed Elevations (Front & Rear).

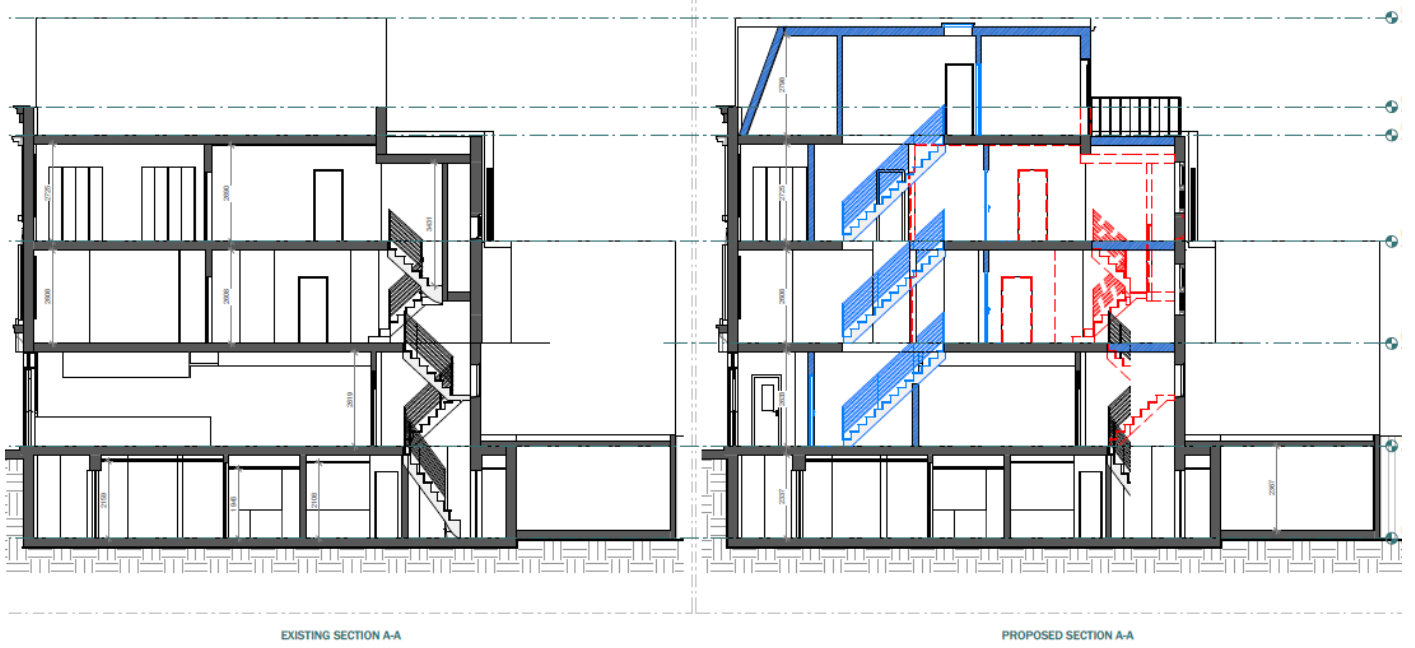


Figure 9: Existing and Proposed Section Plan

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	26/04/2023
		N/A	Consultation Expiry Date:	09/05/2023
Officer			Application Number(s)	
Alex Kresovic			2023/0891/P	
Application Address			Drawing Numbers	
Flat A 135 King's Cross Road London WC1X 9BJ			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of mansard roof extension to create a 3 bedroom residential flat (Class C3) with terrace at third floor level, extension of existing rear facing extraction to 1m above proposed roofline.				
Recommendation(s):	Grant Conditional Planning Permission subject to a Section 106 Legal Agreement			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	3	No. of objections	3
Summary of consultation responses:	<ul style="list-style-type: none"> • A press advert was published on 15/04/2023 (expiry 09/05/2023) • A site notice was displayed on 31/03/2023 (expiry 24/04/2023) <p>Four (4) objections were received from neighbouring properties, as summarised below:</p> <ul style="list-style-type: none"> • The noise and the smell from the food premises and large groups. • Officer's response: <i>In the event of a noise and/or smell disturbance in the future, a complaint can be submitted to Council to investigate. It is noted, no changes are proposed to the existing restaurant in the revised scheme, except for the creation of a private entrance at ground floor to the private residential accommodation on the above floors.</i> • There have been many applications for development at the rear which are unsightly and have impacted residential amenity. Officer's response: <i>The built form is continually evolving and any such granted permission would take into consideration the design of the scheme and privacy impacts to adjoining dwellings. As is the case with this application, the privacy impacts are considered to be acceptable due to the fact that there are a number of adjoining roof terraces and windows, and any overlooking is considered acceptable as it will be reciprocated by that currently existing from the adjoining terraces. In addition, the proposed design and materials would reflect the character and appearance of the host building and neighbouring ones which is accepted.</i> • A roof terrace will attract noise and cause adverse amenity impacts. Officer's response: <i>New residential development is encouraged to provide outdoor amenity space as per policy D1 of the Camden Local Plan 2017 and the London Plan 2021. The roof terrace on the third floor would serve domestic properties and therefore unlikely to generate significant noise.</i> • This is not the first time this property has requested planning permission. Officer's response: <i>The previous planning application was formally withdrawn.</i> • Residents will also have to suffer many months of building work noise that's has previously been a problem as this tends to start very early 7 days a week and end very late. Officer's response: <i>An informative has been placed on the decision notice which informs the applicant of construction hours stipulated in the Environmental Health and Protection Act -8am-6pm Monday to Friday, from 8am-1pm on Saturdays and not at all on Sundays, Bank or Public holidays. This has been agreed upon by the agent. Any works conducted outside of the conditioned hours can be subject to enforcement penalties.</i> • The current restaurant on the lower ground floor is in a poor state, with heavy cooking smells emanating from both the front (street-side) and back of the property. Officer's response: <i>The kitchen extraction system is proposed to be extended 1m above the proposed roofline. This should assist with the removal of any such odours from the restaurant.</i> • The proposed dwelling plans are overbearing, the proximity and projection of the development is huge and will adversely overshadow adjoining properties. Officer's response: <i>The proposed scheme will not protrude beyond any existing rear building line. This would contribute to the mass of the scheme being in similar proportion to the existing built form. In addition, the works to the rear are west facing. The existing building and neighbouring buildings already overshadow neighbouring properties in the mornings. As such, it is not considered that the</i> 			

proposed works would further contribute to any such adverse overshadowing impact.

Site Description

The application site is situated within the middle of a terrace and lies within the King's Cross / St. Pancras Conservation Area and is recognised as making a positive contribution to the area. To the southwest of the site is a row of Grade II listed terrace houses.

The existing building is set over three storeys with an additional basement floor and a large central window to each floor. Elevations are of London stock bricks and windows are white timber sashes. The roof is flat behind a parapet. The basement and ground floors are used as a restaurant and the floors above as residential.

Relevant History

APPLICATION SITE:

Application	Address	Description	Status
2022/2687/P	Flat A 135 King's Cross Road London Camden WC1X 9BJ	Erection of mansard roof extension, extension at fourth floor level to the existing three storey rear extension and extension at upper ground floor level to existing lower ground floor extension to facilitate conversion from ancillary residential accommodation to 3 studio flats and 3 single bed-sits with shared kitchen & dining space (sui generis House of Multiple Occupation).	Withdrawn 15/08/2022

SURROUNDING AREA:

Application	Address	Description	Status
2019/4428/P	141 King's Cross Road London WC1X 9BJ	Change of use of first and second floors above existing pub from short term let accommodation to 78 bed hostel use (Sui Generis).	Granted 28/11/2019
2012/1200/P	133 Kings Cross Road London WC1X 9BJ	Erection of basement to second storey rear extension and new mansard roof extension to create third floor (following demolition of existing rear extension), in connection with change of use from bar/restaurant (Class A3/A4) at basement to first floor and residential unit at second floor to three (1x 1-bed & 2x 2-bed) self-contained residential units (Class C3) (maisonette at basement and ground floor level, flat at first floor level, and maisonette at second and third floor level) and associated alterations.	Granted 20/04/2012
2004/1820/P	137 Kings Cross Road London WC1X 9BJ	Demolition of existing rear extension and erection of part basement / ground / 1st floor / 2nd floor rear extension. All in connection with the change of use of the basement, ground and upper floors from offices (class B1) and non-self-contained residential accommodation (class C3) to office (class B1) and 4 self-contained flats (class C3).	Granted 11/06/2004

Relevant policies

National Planning Policy Framework (2021)

London Plan 2021

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
A3 Biodiversity
A4 Noise and vibration
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change

CC3 Water and flooding
T1 Prioritising Walking, Cycling and Public Transport
T2 Parking and Car Free Development

Camden Planning Guidance

CPG Home improvements 2021
CPG Housing 2021
CPG Amenity 2021
CPG Design 2021
CPG Biodiversity 2018
CPG Transport 2021
CPG Water and Flooding 2019

King's Cross Conservation Area Statement 2003

1.0 Proposal

- 1.1 The applicant seeks permission to erect a mansard roof extension to match the neighbouring properties at 133 and 137 King's Cross Road with an associated rear facing roof terrace.
- 1.2 A green roof is proposed to be situated above the roof of the lower ground floor level.
- 1.3 Erection of a private terrace on the third floor with a maximum size of 3.84sqm.
- 1.4 Extension of the existing extraction system to 1m above the proposed roofline.
- 1.5 Associated internal reconfigurations to facilitate conversion from existing residential accommodation to a self-contained 3 bedroom residential unit.

2.0 Assessment

Land Use

2.1 New C3 residential accommodation is proposed and welcomed. The proposed C3 residential accommodation would replace an existing unregulated residential accommodation above the existing restaurant which is of low living and amenity quality. The existing residential accommodation is not a registered House of Multiple Occupation. As such, the new residential accommodation is welcomed, and an affordable housing contribution is not required in this instance as the uplift is below 100sqm.

2.2 The new C3 residential accommodation (3 bed - 4persons) has a gross internal floor area (GIA) of more than 90sqm which would comply with the London Plan 2021 minimum space standards for new dwellings of this size.

Design and Conservation

2.3 Policy D1 'Design' states that the Council will seek to secure high quality design in all cases. This policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; be sustainable and durable and comprise details and materials that are of high quality and complement the local character. It continues to state that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy D2 'Heritage' states that to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

2.4 Currently, the application site is the only site without a mansard roof extension along the row of terraces. The proposed mansard roof extension will match the neighbouring properties at 133 and 137 King's Cross Road in terms of height and scale as well as the rest of the row of terraces. It is considered that the proposed mansard roof extension would improve the streetscape of the row of terraces due to the proposal creating a continuation of extensions which would be more in keeping with the current built form. The proposed mansard roof extension is subordinate to the existing building and will be constructed in a high-quality material palette which complements the existing London stock brick terrace and conservation area. It is set back from the parapet behind a gutter and would comply with CPG Home improvements. As such, the proposed will not adversely impact the Conservation Area and adjoining properties in terms of scale and amenity. The Council's Conservation Officer has raised no concerns with the proposed works.

2.5 Overall, the proposal is considered to be of high quality and commensurate with the scale of nearby rear and roof additions and therefore not considered harmful to the character or appearance of the host building, street scene or the

King's Cross / St. Pancras Conservation Area, in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

2.6 The extension of the existing extraction system to 1m above the proposed roofline is considered acceptable as it would be replicating the existing situation onsite but now a storey higher. It is considered that the extension of the extraction system would not cause harm to the conservation area, or to the adjoining properties.

2.7 The proposed roof terrace on the rear of the third floor will have a maximum size of 3.84sqm and will not be situated beyond any existing rear building line. The roof terrace will be enclosed with the use of vertical metal balustrades which would be consistent with the neighbouring terraces and would be in keeping with the conservation area.

2.8 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Residential Amenity

2.9 Policy A1 seeks to ensure that development does not cause adverse amenity impacts upon neighbours in terms of sunlight, daylight, privacy and overlooking, noise and vibration and odour.

2.10 The proposed works do not protrude beyond the existing rear building line and as a result do not cause any adverse impact to the neighbouring properties in terms of sunlight, daylight, privacy and overlooking. The green roof will not be used as a roof terrace and a condition will be included to protect the privacy and amenity of adjoining properties.

2.11 Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their balconies/courtyards and is an important aspect to providing high quality amenity to residential development. A third-floor rear terrace space is proposed for the proposed residential accommodation. The private terrace is west facing and would result in high quality of outlook as shared by other properties with similar terraces.

2.12 The proposed extension to the existing extraction system to be 1m above the proposed roofline will assist in carrying the odour from the existing restaurant use away from the application site and adjoining sites in an orderly manner which would not adversely affect the neighbouring properties and assist in protecting and enhancing the existing amenity levels.

2.13 The development is thus considered to be in accordance with planning policy A1.

Sustainability

2.14 Local Plan policy CC2 states that all development should adopt appropriate climate change adaptation measures such as measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

2.15 A green roof is proposed on the flat roof of the ground floor extension which is welcomed. The proposed green roof promotes biodiversity whilst adding to the green nature of the conservation area - minimising impact of the new extension. A green roof also aids with insulation and cooling, reducing the carbon footprint of the property.

2.16 Further details are required for the proposed green roof. This will be secured by way of a planning condition.

Transport

2.17 In accordance with Policy T1 of the adopted Camden Local Plan, Council expects cycle parking at new developments to be provided in accordance with the standards set out in the London Plan. For residential units with 2 or more bedrooms the requirement is for 2 spaces per unit. However, no cycle parking is shown on the submitted plans. Given the very limited amount of space available within the property, it is accepted that it is not possible to provide cycle parking on site. In this instance, a Section 106 contribution of (£4,320/6 x 2 =) £1,440 will be secured towards the provision of an off-site (on-street) cycle hanger in the vicinity of the site.

2.18 In accordance with Policy T2 of the adopted Camden Local Plan, new residential units shall be secured as on-street Residents' parking permit (car) free by means of the Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures and traffic congestions whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. In this instance, a Section 106 agreement will secure the new residential development on the application site as car free.

2.19 King's Cross Road is a Red Route and has double red lines outside the property, from which no loading may take place at any time. The nearest loading bay is located to the north side of Swinton Street from where loading can take place for up to 20 minutes. Loading can also take place from Swinton Street from the nearby Resident parking bays. Taking

these facilities on balance, it is considered that a Construction Management Plan is not required in this particular instance.

2.20 Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences and bonds may be required with TfL.

3.0 Conclusion

3.1 Grant conditional planning permission subject to a Section 106 Legal Agreement.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Tuesday 30th May 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2023/0891/P
Contact: Alex Kresovic
Tel: 020 7974 3134
Date: 23 May 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Extension Architecture
Unit 3 River Reach Business Park
Gartons Way
Battersea
London
SW11 3SX
United Kingdom

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
135 Flat A
King's Cross Road
London
WC1X 9BJ

Proposal:

DECISION
Erection of mansard roof extension to create a 3 bedroom residential flat (Class C3) with terrace at third floor level, extension of existing rear facing extraction to 1m above proposed roofline.

Drawing Nos: Architectural Plans prepared by extension architecture, dated 18.05.2023

Sheet NO: 135KR -PL-RevB -01;
Sheet NO: 135KR -PL-RevC -03;
Sheet NO: 135KR -PL-RevC -04;
Sheet NO: 135KR -PL-RevC -05, Version 1;
Sheet NO: 135KR -PL-RevC -06;
Sheet NO: 135KR -PL-RevC -07;
Sheet NO: 135KR -PL-RevC -08;
Sheet NO: 135KR -PL-RevC -09;
Sheet NO: 135KR -PL-RevC -10;
Sheet NO: 135KR -PL-RevC -11.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 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:

Architectural Plans prepared by extension architecture, dated 18.05.2023

Sheet NO: 135KR -PL-RevB -01;

Sheet NO: 135KR -PL-RevC -03;

Sheet NO: 135KR -PL-RevC -04;

Sheet NO: 135KR -PL-RevC -05, Version 1;

Sheet NO: 135KR -PL-RevC -06;

Sheet NO: 135KR -PL-RevC -07;

Sheet NO: 135KR -PL-RevC -08;

Sheet NO: 135KR -PL-RevC -09;

Sheet NO: 135KR -PL-RevC -10;

Sheet NO: 135KR -PL-RevC -11.

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 Bricks affected by the demolition shall be salvaged and reused in the building of the approved extension.

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

- 5 A sample of brickwork shall be erected on site and approved by the Local Planning Authority prior to the commencement of works. The bricks shall be salvaged from the building and additional bricks shall be reclaimed stock bricks. The bond shall match the bond on the main building, the mortar shall be lime and the joint slightly recessed.

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

- 6 Prior to commencement of development , full details in respect of the living roof in the area indicated on the approved existing & proposed first floor plan (135KR -PL-RevC -05, dated 18/05/2023) shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2, and A3 of the London Borough of Camden Local Plan 2017.

- 7 The Green Roof is not to be used as a roof terrace and should only be accessed for the purpose of maintenance.

Reason: To protect the amenity of adjoining properties in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 8 The footway and carriageway on Kings Cross Road must not be blocked during the completion of the proposed extension, ground floor works and private terraces. Temporary obstructions during the conversion must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A501.

All vehicles associated with the construction of proposed extension, ground floor works and private terraces must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

Reason: To protect the amenity of adjoining dwellings and usability of the footway and carriageway on Kings Cross Road during the construction period.

- 9 Prior to occupation of each development plot details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating any commercial part(s) of the development from dwellings or other noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development plot by plot and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise in accordance with the requirements of policy A1 of the Camden Local Plan.

- 10 The external noise levels emitted from extraction installation shall ensure that the rating level of the noise emitted from the proposed installation located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound."

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 11 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 12 The installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet must be in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.#

Reason: To ensure that the amenity of occupiers of the development site / surrounding premises is not adversely affected by cooking odour.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

[https://www.gov.uk/appeal-planning-decision.](https://www.gov.uk/appeal-planning-decision)

Yours faithfully

Supporting Communities Directorate