

SSA *Planning*

STATEMENT OF CASE

**239 CAMDEN HIGH STREET
LONDON
NW1 7BU**

**PART-ONE- AND PART-TWO-
STOREY REAR EXTENSIONS ...
(A) TO CREATE TWO
(B) WITH MANSARD ROOF
OVER TO CREATE THREE
... APARTMENTS ABOVE
EXISTING HOT FOOD
TAKEAWAY**

FOR

CAPITAL QSR LIMITED

2022/3264/P & 2022/3265/P

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CONTENTS

	Page
1 Introduction	5
2 Site and Context	6
3 Policy	8
4 Analysis	10
5 Conclusion	13

APPENDICES

	Page
A Suggested Conditions	14
B Costs Claim	15
C PTAL Report	16
D Appeal Decision	17
E Appeal Decision	18
F Appeal Decision	19

1 INTRODUCTION

- 1.1 This Statement of Case has been prepared by SSA Planning Limited for Capital QSR Limited in respect of the non-determination by Camden London Borough Council of two applications registered as valid on 10th January 2023 under references 2022/3264/P & 2022/3265/P at 239 Camden High Street, London, NW1 7BU.
- 1.2 The two applications sought planning permission for either (A) erection of part-one- and part-two storey rear extensions to create 2no. residential units above existing hot food takeaway or (B) erection of part-one- and part-two storey rear extensions with mansard roof over to create 3no. residential units above existing hot food takeaway.
- 1.3 The original submissions made on 9th July 2022 comprised drawings, supplemented on 10th January 2023 by completed Air Quality Proformae, an Odour Risk Assessment and a Noise Impact Assessment. The applications were validated on 10th February 2023 with advice suggesting design concerns related to parapet line, window hierarchy and mass.
- 1.4 Amendments to the proposed drawings were made on 28th June 2023 and removed the change in parapet line and existing window positions for both applications. It was pointed out that the shopfront works and mural advert to the main elevation simply reflected that permitted and consented under references 2022/0563/P and 2022/2142/A.
- 1.5 An additional drawing was submitted demonstrating the width of the street from which the mansard, and the limited viewing angle through which it, could be viewed.
- 1.6 The applications remain undetermined a month later, a year after original submission, and non-determination appeals are therefore now being made.
- 1.7 Were it not for the fact that the lower floors are used as a hot food takeaway rather than a commercial or mixed use, the proposal would be permitted development under Part 20 Class AB of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), albeit subject to prior approval.
- 1.8 Sections 2-3 of this Statement of Case describe the site and its context, relevant policies and material considerations.

2 SITE AND CONTEXT

Physical

- 2.1 The site is located on the west side of Camden High Street near its junction with Buck Street in the Camden Town area of north London, four kilometres north of Trafalgar Square. The plot is completely developed as part of a terrace running from Jamestown Road at its northern end to Inverness Street at its southern end.
- 2.2 The 120-square-metre rectangular site comprises a mid-terraced building used as a hot food takeaway at basement, ground- and first-floor levels, and part of an apartment on the second floor. It presents three storeys to Camden High Street and steps down to the rear first to two and then to a single storey backing on to Early Mews, a service road.
- 2.3 To the rear is Early Mews, a service road for the terrace of which the building forms part and for the grade-II-listed Arlington House, a seven-storey apartment complex, which presents the ends of three blocks to the service road. These are seven metres wide and have only a single stairwell window per floor facing the site.
- 2.4 The main elevation faces north-east to Camden High Street and is west of the junction with Buck Street, the near corner of which is occupied by the Bucks Head and opposite corner of which is the recently redeveloped Camden Market, forming the nearest part of Camden Town Conservation Area (CA). The site is not in a CA.

History

- 2.5 The terrace is 113 metres long and has 23 units, all of which are three storeys and the same width to Camden High Street, except for the four-storey Oxford Arms at the corner with Jamestown Road. Most present a parapet with duo-pitched roof behind, the ridge parallel with the frontage in all but five cases, four of which, opposite Buck Street, are at right angles. The subject is a further exception, having a flat roof behind its parapet. An example of a mansard roof extension exists across Camden High Street at no. 210.
- 2.6 The upper floors were apartments prior to 2016, permission for their current use having been granted on 19th August 2015 on appeal (see **Appendix D**).

- 2.7 This permitted the change of use of the first and second floor from part 4-bedroom maisonette to restaurant, single storey first floor rear extension, relocate kitchen extract duct, raise rear parapet of ground floor rear extension, new shopfront and awning, install ground floor rear door, and roof plant to rear extension. Although this permission was varied by permission reference 2016/1434/P to vary the shopfront work, it appears it was only partly implemented, the second floor remaining part of an apartment.
- 2.8 The basement was also extended around that time with planning permission granted on 2nd October 2015 under reference 2015/3044/P.
- 2.9 Permission reference 2022/0563/P for two new doors and one new window to shop-front was granted on 13th October 2022 and has since been implemented.
- 2.10 Advertisement consent reference 2022/2142/A for display of a mural to front elevation and three sculptures at roof level was granted on 13th October 2022.

3 POLICY

Development Plan

- 3.1 The Development Plan comprises the Camden Local Plan adopted on 3rd July 2017, the London Plan published on 2nd March 2021 and the North London Waste Plan adopted on 27th June 2022.
- 3.2 The site is in Camden Town and is part of the Primary Frontage of that Town Centre, to which Local Plan Policy TC2 'Camden's centres and other shopping areas' applies. Local Plan Policies A1 'Managing the impact of development', A4 'Noise', D1 'Design', D2 'Heritage', H1 'Maximising housing supply', H4 'Maximising the supply of affordable housing', H6 'Housing choice and mix', H7 'Large and small homes', C6 'Access for all' and T2 'Parking and car free development' and are also relevant.
- 3.3 Local Plan Policy A1 seeks to protect the living conditions of occupiers and neighbours and Policy A4 seeks to control and manage noise and vibration.
- 3.4 Local Plan Policy D1 seeks high quality design that respects local context and character, is sustainable, secure and comprises details and materials that complement character.
- 3.5 Local Plan Policy D2 would resist development outside a conservation area that causes harm to the character or appearance of that conservation area.
- 3.6 Local Plan Policy H1 aims to maximise housing supply and exceed 16,800 additional homes from 2016/17 to 2030/31, including 11,130 self-contained homes.
- 3.7 Local Plan Policy H4 requires a contribution to off-site provision from additional housing floor space equivalent to 2% for each home added from all developments that provide additional homes totalling 100 square metres or more residential floor space.
- 3.8 Local Plan Policy H6 seeks to create mixed, inclusive and sustainable communities by supplying a variety of accessible homes suitable for a range of households.
- 3.9 Local Plan Policy H7 aims to secure a range of homes of different sizes.
- 3.10 Local Plan Policy C6 seeks the highest practicable standard of accessible design and Policy T2 requires new development to be car-free.

- 3.11 Local Plan Policy TC2 supports the development of housing within centres including above shops where this does not prejudice town centre uses at ground floor level.
- 3.12 London Plan Policy H1 'Increasing Housing Supply' sets a ten-year target of 10,380 dwellings for Camden London Borough for the period 2019/20 to 2028/29.
- 3.13 London Plan Policy H2 'Small Sites' requires Boroughs to support well-designed new homes on sites below 0.25 hectares to increase the contribution they make, diversify supply, support small- and medium-sized builders and achieve a minimum target of 3,280 dwellings in Camden London Borough for the period 2019/20 to 2028/29.

Material Considerations

- 3.14 National Planning Policy Framework (NPPF) Chapter 5 'Delivering a sufficient supply of homes' paragraph 64 states that affordable housing should not be sought for residential developments that are not major and affordable housing contribution should be reduced by an amount proportionate to vacant building space being reused or redeveloped.
- 3.15 NPPF Chapter 12 'Achieving well-designed places' paragraph 130 seeks developments that (a) function well and add to the quality of the area, (b) are visually attractive, (c) are sympathetic to local character and history, (d) maintain a strong sense of place, (e) optimise the site's potential and (f) create safe, inclusive and accessible places.
- 3.16 The 'Technical housing standards – nationally described space standard' published in March 2015 requires that a one-bedroom, two-person, single-storey dwellings provides at least a gross internal floor area of 50 square metres and built-in storage of at least 1.5 square metres.
- 3.17 The Government's December 2022 consultation on reforms to national planning policy under the heading 'Embracing gentle density' at paragraphs 8 and 9 of Chapter 6 'Asking for beauty' stated that local planning authorities should take a positive approach to well-designed upward extension, particularly mansard roofs.
- 3.18 Camden Planning Guidance (CPG) 'Housing', 'Amenity', and 'Design' Supplementary Planning Documents (SPDs) adopted on 15th January 2021 are also relevant.

4 ANALYSIS

Main Issues

4.1 Consideration of the existing and proposed uses in light of policies applying to the site, its context and the wider Borough leads to the identification of the following main issues:

- Loss of retail
- Housing need
- Design and amenity

Loss of retail

4.2 Whilst there will be a notional loss of retail floor space, is upper floor and secondary, so not as valuable in retail terms as the ground floor behind the shop front.

4.3 Importantly, there will be no loss of retail function as the applicant is also the operator and has found that the relevant floor space is now little used.

4.4 Furthermore, existing odour control systems will ensure that future residential occupiers do not prejudice the continued use of the ground floor for retail.

4.5 Indeed, the productive re-use of the upper floors will assist in safeguarding the future of the ground floor unit by limiting overheads to those necessary.

4.6 Consequently, the Camden Town Primary Frontage, of which the site forms part, will be protected, complying with Local Plan Policy TC2.

Housing need

4.7 The Camden Authority Monitoring Report for 2018/19, 2019/20 and 2020/21 shows delivery of 633, 916 and 562 dwellings against a Local Plan target of 1,200 in each year and the London Plan Policy H1 target of 865 in each year. Consequently, there remains a significant backlog of unmet housing need.

4.8 The site is less than 0.25 hectares in area and so London Plan Policy H2 requires the Borough Council to support well-designed new homes such as these to provide up to a third of the total number required from 2019/20 to 2028/29.

- 4.9 The smaller proposed development relies on extensions of 41 square metres to provide two two-person one-bedroom dwellings comprising 133 square metres of residential floor space, of which 118 square metres will be reused.
- 4.10 The larger proposed development relies on extensions of 105 square metres to provide three two-person one-bedroom dwellings comprising 196 square metres of residential floor space. Again, 118 square metres will be reused.
- 4.11 Consequently, both the smaller proposed development and the larger one including a mansard roof will exceed the nationally described space standard of 50 square metres and 1.5 square metres of built-in storage.
- 4.12 Because neither development is major and both reuse significant vacant building space, the affordable housing contribution should be reduced, by 118 of the 133 or 196 square metres, leaving 15 or 78 square metres.
- 4.13 The CPG Housing SPD acknowledges at paragraph 4.33 that not every additional 100 square metres creates capacity for a home and neither proposal exceeds the minimum area for liability under Local Plan Policy H4.

Design and amenity

- 4.14 The site is not within a CA, but is visible from Camden Town CA, the northern end of which is across the junction with Buck Street. Whilst that CA has a well-defined character further south, the nearest corner was redeveloped with converted shipping containers in 2020 and offers little continuity of character.
- 4.15 The Camden Town CA Appraisal and Management Strategy suggests three areas for consideration for future inclusion, none of which include the appeal site.
- 4.16 The Street Geometry Diagram submitted with the amended drawings demonstrates the width of the street from which the mansard could be viewed and the limited angle through which that view could be obtained. This is the case both from across the street from the site, but also from across the junction within the CA.
- 4.17 The appearance of the proposed mansard roof is intended to retain the current parapet height and fenestration pattern and style. Materials so far as specified in the drawings

would match the existing in appearance , but the appellant is willing to accept a condition requiring the submission of details and/or samples of materials and windows.

- 4.18 The proposed additional windows will be no nearer to any existing habitable rooms than existing windows in the front and rear elevations and so will not have an unacceptable impact on the privacy of neighbours. As the street is oriented north-south, the mansard roof would only cast a limited additional shadow in late summer evenings.
- 4.19 Recent appeal decisions (see **Appendices E and F**). demonstrate that, whilst large and obtrusive combined mansard roofs in CAs with consistent rooflines do not benefit from permitted development rights and are likely to be found unacceptable, smaller and less impactful mansard roofs have been approved outside CAs.
- 4.20 Whilst each site and proposal must be dealt with on its merits, the upheld appeal was in a largely unaltered roofscape and for a mansard roof at second and not third floor level. It would likely have been more visible from the street than the subject appeal, but was nonetheless considered to have an acceptable impact.

Other Issues

- 4.21 Permission reference 2022/0563/P for two new doors and one new window to shop-front was granted on 13th October 2022 and has since been implemented. This provides for access from the public highway to the upper floors of the building separate from that for the hot food takeaway at ground floor level. Step-free access is not practical.
- 4.22 The public transport accessibility (PTAL) score for the site is 6b, the highest possible, underlining the need to maximise residential density in this location (see **Appendix C**). The apartments will have no parking and servicing will be from the street, using on street refuse collection, in common with adjacent properties.
- 4.23 The proposed development will be subject to Building Regulations on the reduction of noise transmission between floors, in particular those in different uses. The appellant would accept conditions restricting the positioning of lighting near residential windows and the submission of details of the current odour control equipment.

5 CONCLUSION

- 5.1 The proposals would contribute to meeting a significant backlog of unmet housing need on a small site in a highly accessible location.
- 5.2 Both the smaller and larger proposed developments exceed the floor space standards for two-person one-bedroom dwellings.
- 5.3 The proposals represent significant investment in a building to re-convert and modestly extend floor space for residential use.
- 5.4 The proposals mainly re-use floor space and the additional floor space is insufficient to warrant contribution to affordable housing.
- 5.5 The proposal, by reducing unnecessary overheads, would safeguard a retail unit in the Camden Town Primary Frontage.

A SUGGESTED CONDITIONS

- A.1 The development hereby permitted must be commenced within three years of the date of this permission.
- A.2 Development must not commence until details of external materials, including windows, have been submitted to and approved in writing by the local planning authority. The development must thereafter be carried out in accordance with the approved details.
- A.3 Development must not commence until details of existing and any necessary additional or amended odour control equipment have been submitted to and approved in writing by the local planning authority.
- A.4 The apartments must not be occupied until any necessary additional or amended odour control equipment has been installed and the approved equipment must thereafter be operated during any period in which the hot food takeaway is open to customers.
- A.5 Lighting must not be affixed to the front elevation other than in accordance with details first submitted to and approved in writing by the local planning authority.

B COSTS CLAIM

- B.1 A claim is made for a full award of costs due to effective failure of the local planning authority to determine the application within the statutory timescale.
- B.2 The local planning authority raised issues relating to the applications' merits in delaying the validation of the application, which took over six months.
- B.3 Feedback was received a year ago suggesting the applications would be refused on the basis of parapet and windows misalignment and excessive mass (presumably relating to the mansard proposal), but the applications remain underdetermined. Amendments to remove the former two issues have been made.
- B.4 Despite Environmental Health Officer comments promised six months ago, these remain outstanding and the applicant cannot reasonably be expected to delay further.
- B.5 Only the local planning authority's inaction has caused this appeal. Consequently, the appellant claims their full costs in making this appeal.

C PTAL REPORT

C.1 PTAL 6b (Best).

D APPEAL DECISION

D.1 APP/X5210/W/15/3011324 & ...326.

E APPEAL DECISION

- E.1 APP/U5360/W/22/3300193.
- E.2 London Borough of Hackney.
- E.3 Allowed 17th January 2023.
- E.4 Single mansard at 2nd floor.
- E.5 Largely unaltered roofscape.
- E.6 Outside conservation area.
- E.7 Set back from front elevation.
- E.8 Limited visibility from street.

F APPEAL DECISION

- F.1 APP/V5570/W/22/3306265.
- F.2 London Borough of Islington.
- F.3 Dismissed 2nd February 2023.
- F.4 Two large mansard roofs.
- F.5 Within conservation area.
- F.6 Broadly consistent roofline.
- F.7 Significantly disrupts roof.
- F.8 Noted no PD rights in CAs.