

**Erection of stair access at roof level and
use of existing flat roof as a terrace at**

13 Tottenham Mews, London, W1T 4AQ

October 2023

Contents

1	Introduction	2
2	Site Description	4
3	Planning History	6
4	Proposed Development	8
5	Planning Policy	10
6	Planning Assessment	13
7	Conclusion	18

1 Introduction

-
- 1.1 This Planning Statement forms part of a suite of documents submitted in support of an application which seeks full planning permission for a proposed scheme of commercial development at 13 Tottenham Mews, London, W1T 4AQ. The proposed scheme of development is described as:

‘Erection of stair access at roof level and use of existing flat roof as a terrace’

- 1.2 The statement is split into the following sections: Section 2 describes the site; Section 3 cites all relevant planning history; Section 4 describes the proposal; Section 5 cites all relevant planning guidance/policies; Section 6 provides a planning assessment before Section 7 draws the conclusion.
- 1.3 This Planning Statement should of course, be read alongside the submitted Application Form, CIL Questions, Design and Access Statement and comprehensive set of Proposed Scheme Drawings.

2 **Site Description**

-
- 2.1 Occupying an end of mews location in Fitzrovia, the site currently comprises a three-storey commercial building which is attached to both 95 and 97 Charlotte Street as well as 11-12 Tottenham Mews. The property was originally used for industrial/warehousing purposes although in more recent times has been in use as offices. At the time of writing, the property is vacant.
- 2.2 The property is not listed but does lie on the northern edge of the Charlotte Street Conservation Area. The property is also subject to an Article 4 Direction which has removed all office to residential permitted development rights in Camden's part of the City's Central Activities Zone (CAZ).
- 2.3 To the north and west of the application site lies Astor College, an eight-storey student housing block which has recently been renovated/extended in line with 2015/1139/P and The Middlesex Hospital Annexe which is currently being redeveloped to provide a part four, five and eight-storey building to provide mixed B1, D1 and C3 uses in accordance with planning permission 2017/0414/P.
- 2.4 To the south of the application site, on the west side of Tottenham Mews, planning permission 2020/5633/P has been implemented. The scheme of redevelopment that is currently under construction will provide a six-storey building (and basement) to provide office (use Class E) at part ground and basement levels and self-contained flats (use class C3) at ground and floors one to five.
- 2.5 To the south of the site, on the east side of Tottenham Mews, lie a terrace of properties which are between three and five storeys in height. Although predominantly in residential use, some of these properties are in commercial use. All properties back immediately onto those in Charlotte Street.
- 2.6 At the entrance to Tottenham Mews (which leads off of the northern side of Tottenham Street) is Arthur Stanley House. This is an eight-storey building which is currently being redeveloped in line with planning permission 2017/4306/P and via an extension, will facilitate a mix of land uses.
- 2.7 Flanking the other side of the entrance into Tottenham Mews is a site comprising 73-75 Charlotte Street, 34-38 Tottenham Street and 4 Tottenham Mews - a part three, four, five and six-storey (plus basement) building (built out under application 2012/2045/P) which is in mixed C3 and E Class uses.

3 Planning History

-
- 3.1 In 1937, permission was granted for the rebuilding of the site's petrol store (156701) and then in 1962, permission was refused and an appeal later dismissed for the redevelopment of 95-97 Charlotte Street and 13 Tottenham Mews to provide a part two, part four storey building with basement for use as a car park and loading dock, showroom, warehouse floorspace at ground and first floor levels and flats over all of the upper floors (TP/81747/19483 and APP/735/A/74520).
- 3.2 In 1972, permission was granted for the change of use of the ground floor of 13 Tottenham Mews from use as a garage in order to provide light industrial floorspace. Notwithstanding the absence of planning history, there is no doubt that the property's current office use has existed for decades.
- 3.3 More recently, planning permission was refused for the erection of a two-storey roof-top extension to facilitate the provision of additional B1(a) floorspace (2018/4282/P) for the following reasons:
- (i) the proposal would detract from the street scene along Tottenham Mews and harm the character and appearance of the Charlotte Street Conservation Area;
 - (ii) a Construction Management Plan had not been secured via a legal agreement; and
 - (iii) 'car-free' office accommodation had not been secured via a legal agreement.
- 3.4 Planning permission was later refused for the erection of a single-storey roof-top extension to facilitate the provision of additional B1(a) floorspace (2019/1124/P) for the following reasons:
- (i) the proposal would appear as an over-dominant and discordant addition to the host building detracting from the street scene along Tottenham Mews and harming the character and appearance of the Charlotte Street Conservation Area;
 - (ii) a Construction Management Plan had not been secured via a legal agreement; and
 - (iii) 'car-free' office accommodation had not been secured via a legal agreement.
- 3.5 The 2019 application was subsequently dismissed at appeal (APP/X5210/W/19/3232175) - the appointed Inspector being in agreement with the Local Planning Authority's reasons for refusal.
- 3.6 Following the dismissed appeal, planning permission was granted for a single-storey roof-top extension to provide additional office floorspace (2020/0767/P). Planning permission was subsequently granted for a variation to the approved scheme which allowed an increase in the height of the previously approved roof extension by approximately 200mm (2022/2735/P).
-

4 Proposed Development

-
- 4.1 The aim of the scheme is to take advantage of the application property's flat roof and create a roof terrace for use by occupiers of the building's existing commercial floorspace - without adversely affecting either the character of the host building, its immediate locality or neighbouring amenities.
- 4.2 The roof terrace will be accessed via a modest-sized single-storey extension which will be erected over the application property's existing flat roof. The extension will be no higher than the previously approved extension and constructed using materials approved under 2022/2735/P.
- 4.3 Both iron railings and privacy screens would be erected around the terrace's perimeter so as to (i) create a safe environment for users, (ii) respect the character and appearance of the host property and its immediate surroundings and (iii) safeguard existing neighbouring residential amenities.

5 Planning Policy

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the following guidance and policies.

5.2 At the national level, regard must be had to the *National Planning Policy Framework (NPPF) 2023* as it sets out Central Government's planning policies for England and describes how the policies are expected to be applied by Local Planning Authorities when plan-making and decision-taking.

National Planning Policy Framework 2023

5.3 NPPF paragraph 10 states that in order for sustainable development to be pursued in a positive way, '*...at the heart of the Framework is a presumption in favour of sustainable development*'. NPPF paragraph 11 builds on this overarching aim by maintaining that '*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets or particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

5.4 The following NPPF policies are argued to be directly applicable to the proposed scheme of development. The relevant parts of each will be referred to within the following planning appraisal.

- 6 Building a strong, competitive economy
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 16 Conserving and enhancing the historic environment

-
- 5.5 At the regional level, particular regard should be had to the *London Plan 2016*. The following list includes those city-wide ‘good growth’ objectives, growth strategies, and topic-based policies which it is considered particular regard should be had to.

London Plan 2021

- GG2 Making the best use of land
- GG5 Growing a good economy
- Policy SD4 The Central Activities Zone (CAZ)
- Policy SD5 Offices, other strategic functions and residential development in the CAZ
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy E1 Offices
- Policy HC1 Heritage conservation and growth

- 5.6 At the local level, regard should be had to policies within the *Camden Local Plan 2017*. The following list includes all those that are considered most applicable to the proposed development.

Camden Local Plan 2017

- G1 Delivery and location of growth
- E1 Economic development
- E2 Employment premises and sites
- A1 Managing the impact of development
- D1 Design
- D2 Heritage

- 5.7 In addition to these local plan policies, due regard should also be had to the relevant parts of the:

- Charlotte Street Conservation Area Appraisal and Management Plan 2008
- Fitzrovia Area Action Plan 2014
- Camden Planning Guidance - Design 2021
- Camden Planning Guidance - Employment sites and business premises 2021

6 Planning Assessment

6.1 This section considers the scheme's acceptability by assessing it against the requirements of the aforementioned planning framework and local policies whilst also taking into consideration relevant material considerations. The main issues for consideration are argued to include the:

- Principle of Development
- Quality of External Design
- Neighbouring Amenity

Principle of Development

6.2 The NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt and doing so, emphasises the need to allow each business area to build on its strengths, counter any weaknesses and address the challenges of the future.

6.3 London Plan Policies SD4 and SD5 set out the growth strategy for office development in the CAZ and recognises that it is an internationally and nationally significant office location. Whilst they recognise the mixed land use nature of much of the CAZ, it also acknowledges that employment is expected to grow substantially and be driven largely by the office-based business services sector.

6.4 They state that the attractiveness and inclusiveness of the CAZ to residents, visitors and businesses should be enhanced and also that the provision of a range of office floorspace in terms of size, quality and costs should be supported through intensification, redevelopment and refurbishment.

6.5 Camden Local Plan Policies E1 and E2 are both applicable here. Amongst other things, they state that new office development will be directed to the growth areas in order to meet the particularly high forecasted demand for additional office space to serve businesses between 2014 and 2031.

6.6 It is also important to note that schemes to intensify business uses at suitable premises will be encouraged so as to support the functioning of the CAZ and the need for new premises - to include floorspace suitable for start-ups (in particular, small and medium-sized enterprises) is recognised.

6.7 Camden's Planning Guidance for employment sites and business premises expands on Local Plan Policy E2 and acknowledges that a substantial proportion of the projected supply will be provided on large floorplates, so is likely to be out of reach of micro, small and medium-sized enterprises.

-
- 6.8 The application site occupies a highly accessible CAZ location in Fitzrovia where increasing the size of existing office premises is encouraged in order to help meet the forecasted demand for B1(a) floorspace and assist in maintaining the CAZ's functionality as London's centre for all activities.
- 6.9 The proposed development will introduce a roof terrace which is intended to serve future occupiers of the existing commercial premises. Past occupiers have never previously had any access to any form of outdoor amenity space. A roof terrace is therefore expected to offer a significantly enhanced working environment in turn, appear more attractive to potential tenants.
- 6.10 Accordingly, it is argued that the proposal will be wholly appropriate in land use terms and represent a significant improvement on this existing commercial site's accommodation. For this reason, the proposed introduction of a roof terrace is considered to be acceptable in principle.

Quality of External Design

- 6.11 NPPF Policy 11 focuses on the need for making the effective use of land. Paragraph 120(e) states that planning decisions should support opportunities which arise for using the airspace above existing residential and commercial premises in order to facilitate the provision of new homes.
- 6.12 Furthermore, it makes clear that upward extensions which would be consistent with the prevailing height and form of neighbouring properties and the overall character of the streetscene which are well-designed and can maintain safe access and egress for intended occupiers should be allowed.
- 6.13 NPPF Policy 12 emphasises the need for well-designed places and in doing so, recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and also notes that good design is a key aspect of sustainable development.
- 6.14 London Plan Policy D3 maintains that new buildings should provide a high-quality design response that has regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings in order to improve/enhance an area's local character.
- 6.15 London Plan Policy HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and

appreciation within their surroundings. The promotion of the highest standards of architecture will be essential to maintaining the blend of old and new that contributes to the city's unique character.

- 6.16 Camden Local Plan Policies D1 and D2 are also applicable. The former echoes the design principles set out in the London Plan Policies mentioned above whilst the latter reinforces London Plan Policy HC1 by placing emphasis on the need for development to preserve Camden's heritage assets.
- 6.17 The application site occupies a location where a wide range of building ages, scales, and styles exist - due to considerable past alterations that have been made. This, in turn, has left Tottenham Mews exceptionally mixed in character and the mews has lost much of its original architectural interest.
- 6.18 It is important to note at this point that the scale/height of existing buildings within Tottenham Mews varies between three and five storeys. As suggested above, the mews' buildings have been constructed at different times, using different materials so no single style or finish dominates.
- 6.19 The proposed single-storey roof-top extension will be modest in size – given that it is only required to provide stair access. It will have a simple, mansard-style appearance and be constructed using traditional slate, bricks to match existing and include a painted metal window in its east elevation.
- 6.20 By virtue of its mansard-style design and slate clad finish, it is considered that the proposed upward extension will successfully respect the site's immediate context and the wider conservation area setting. In a similar vein, the proposed black iron railings will similarly respect the host property's existing character and appearance. The proposed privacy screen will have limited visual impact.
- 6.21 It is also important to recognise that the design of the proposed railings/screens are non-decorative so as not to compete or add unnecessary clutter – thereby preserving views along Tottenham Mews. Furthermore, by virtue of their simple design, their visual prominence would be minimised – in turn ensuring that they appear appropriately subordinate to the host property.
- 6.22 Accordingly, it is considered that the design of the stair access and railings and privacy screen proposed for the roof's perimeter together represent high quality external design. All built elements of the proposal are consequently deemed to be acceptable in design terms and will conserve and enhance the character and appearance of the host property and conservation area.

Neighbouring Amenity

- 6.23 At all levels of government, development is required to avoid having an adverse impact on existing privacy and light levels for neighbouring occupiers by paying particular attention to its scale, height, form, siting and its potential for generating noise and disturbance through traffic movements.
- 6.24 Camden Local Plan Policy A1 is directly applicable. It states that the quality of life of occupiers and neighbours will be protected and maintains that planning permission will be granted for development unless it causes unacceptable harm to amenity where mitigation would not suffice.
- 6.25 In consideration of any potential for overlooking and loss of privacy that may arise as a result of the proposal, it is important to note that (i) views towards habitable rooms within neighbouring residential properties are limited, (ii) planning permission has previously been granted for dormer windows in the north, south and west slopes of the mansard roof extension and, (iii) short separation distances between windows/outdoor spaces are typical of any mews development.
- 6.26 Given the additional bulk and mass that the previously submitted two-storey extension would bring, it was considered necessary, to commission a Daylight and Sunlight Study to assess the impact that the scheme may have on those properties which lie in closest proximity to the application site.
- 6.27 After having undertaken a thorough assessment which was based on best practice BRE guidelines, the Study concluded that (i) all main neighbouring habitable room windows passed the relevant tests and (ii) there would be no undue overshadowing to neighbouring gardens or open spaces.
- 6.28 Given that the proposed stair access will be significantly smaller in bulk/mass, there will be no undue consequent loss of light experienced for occupiers of any of the neighbouring properties.
- 6.29 It is with all of the aforementioned observations in mind that it is respectfully considered that the proposed development would not have an unacceptable impact on adjoining residential amenities. Notwithstanding this view, should Officers be minded to grant planning permission, it would not be considered unreasonable to limit the proposed terrace's hours of use by using a planning condition.

7 Conclusion

7.1 This section reflects on the merits of the development and in turn, identifies the key reasons why it is respectfully considered that the proposed scheme is entirely acceptable in planning terms.

- The application property occupies a Central Activities Zone location, where the principle of enhancing existing office floorspace is acceptable - subject to all design criteria being met;
- The proposed development would preserve the character and appearance of the host property, Tottenham Mews street scene and wider Charlotte Street Conservation Area;
- The proposed development would avoid having an adverse impact on existing levels of outlook, privacy or light for any of the occupiers of neighbouring residential properties; and
- The proposal would not unduly affect outlook, privacy and light levels for future occupiers of those neighbouring residential properties which are currently under construction.

7.2 As the proposed development successfully accords with all relevant policies and guidance across all levels of government, the London Borough of Camden are respectfully invited to grant permission.

Brett Moore MRTPI