

Date: 29/11/2023  
Your ref: APP/X5210/W/23/3325616  
Our refs: 2023/0113/P  
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The Planning Inspectorate  
3N Kite Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Dear Kate Moody,

**Town and Country Planning Acts 1990 (as amended)  
Planning Appeal Statement (Authority)  
Appellant: H Stein  
Site: 13 Princess Road, London, NW1 8JR**

I write in connection with the above appeal against the non-determination of planning application (our ref: 2023/0113/P) submitted on 10<sup>th</sup> January 2023 for 'Change of use of ground floor and basement from retail to residential comprising 1 x 1 bed flat and associated alterations to fenestration'. The Council advises that the application would have been refused on 5 grounds, listed below of which 3 (reason 3,4 and 5) would be overcome subject to a S106 Legal Agreement being secured.

The Council case is set out in the delegated officer's report (ref: 2023/0113/P) which is attached. Copies of the relevant Camden Local Plan (July 2017) policies and accompanying Camden Planning Guidance have been sent with the questionnaire. In addition, the Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

## **1. Summary of the Case**

- 1.1. The application site comprises a four-storey mid-terrace building situated on the southern side of Princess Road. The basement and ground floors are in retail use (Class A1). The first and second floors are in residential use, accessed from an entrance fronting Princess Road, adjacent to the shopfront.
- 1.2. The building is not listed but is located within the Primrose Hill Conservation Area and is identified as a key primary frontage within Camden's centres as shown on the Local Plan Policies Map. The building has been identified a positive contribution to the character and appearance of the conservation area in the Primrose Conservation

Area and Management Strategy.

1.3. This application relates to the retail use which is being proposed to change to residential use.

## **2. Relevant History**

**9100029-** Change of use of the front part of the basement and ground floors from retail to residential to enlarge the existing maisonette at basement and ground floor levels together with alterations to the ground floor frontage and the formation of a new access to the front basement area

**Planning Permission granted 12/04/1991**

**9502090-** Change of use of ground floor and basement from Retail (A1) to Veterinary surgery (Sui generis)

**Permission granted 10/05/1996**

**2017/7002/P-** (Flat 3) Replacement of existing window with French doors and erection of railings to create a Juliette balcony

**Permission granted 09/02/2018**

## **3. Adopted policies**

3.1 London Plan (2021)

3.2 National Planning Policy Framework (2023)

3.3 The Camden Local Plan was adopted on 3 July 2017. The policies cited below are of relevance to the applications.

### **Camden Local Plan 2017**

- D1 Design
- D2 Heritage
- TC2 Camden's centres and other shopping areas
- H1 Maximising Housing Supply
- H4 Maximising the supply of affordable housing
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development
- DM1 Delivery and monitoring

### **Camden Planning Guidance**

3.4 the Council also refers to supporting documentation in Camden Planning Guidance. The specific clauses most relevant to the proposal are as follows:

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Employment Sites & Business Premises (2021)

- CPG Town Centres and Retail (2021)
- CPG Housing (2021)
- CPG Developer Contribution (2019)
- CPG Transport (2021)

3.5 The Primrose Hill Conservation Area and Management Strategy was adopted in 2000 and defines the special character of a conservation area and sets out the Council's approach for its preservation and enhancement.

#### **4 Refusal reasons**

4.1 The application would have been refused on 3 grounds, listed below of which 1 (reason 3) would be overcome subject to a S106 Legal Agreement being secured.

1. The change of use fails to protect the primary frontage, nor does it enhance the role and unique character of Princess Road. The proposal will result in the loss of a suitable retail use that provides variety, vibrancy and choice and maintains the retail function of the area. The proposal is therefore contrary to policies TC2 (Camden's centres and other shopping areas)
2. The design of the front elevation fails to respect the local context, nor does it preserve or enhance the character and appearance of Primrose Hill Conservation area. The proposal is therefore contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
4. The proposed development, in the absence of adequate cycle parking spaces or a legal agreement securing financial contribution to provide cycle parking in the vicinity, would fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T1 (Prioritising walking, cycling and public transport) of Camden Local Plan 2017.
5. The proposed development, in absence of a legal agreement securing an Approval in Principle, would contribute unacceptably to the increased impact of the structural integrity of the highway as a result of the proposed development contrary to DM1 (Delivery and monitoring) of the Camden Local Plan 2017.

4.2 The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments.

#### **5 Conclusion**

5.1 Based on the information set out above and having taken account of all the additional evidence and arguments made, the proposal is considered contrary to the Council's adopted policies and would have been refused.

## **6 Conditions**

6.1 Should the inspector be minded to allow the appeal, it would be requested that conditions in Appendix A are attached the decision.

7 **S106 Legal Agreement:** should the inspector be minded to allow the appeal

7.1 Similarly to the above, if the inspector were mindful to overrule the Council's determination, it would be requested that a section 106 legal agreement is secured including the following head of terms:

- Car-free
- Cycle parking contribution
- Approval in Principle

Should any further clarification or submissions be required, please do not hesitate to contact Sophie Bowden by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

**Sophie Bowden**

Planning Officer  
Supporting Communities Directorate

## Appendix A

### Recommended conditions: 2023/0113/P

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: 5354/01, 5354/02, 5354/03 and Submission statement received 10/01/2023

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. The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan 2017.

5. Prior to commencement of development, full details of the cycle parking space shall be submitted to and approved by the local planning authority. The approved facility

shall thereafter be provided in their entirety prior to the first occupation of any part of the development and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

