

T 07825 633575
E ian.coward@collinscoward.co.uk

Ref: IC/2741
VIA PLANNING PORTAL

December, 2023

Head of Planning
Camden Council

Dear Sir/Madam,

529 FINCHLEY ROAD, LONDON NW3 7BG – EXTENSION OF EXISTING BUILDING TO PROVIDE 4 FLATS (3 X ONE-BED AND 1X THREE-BED) TOGETHER WITH REFUSE AND CYCLE PROVISIONS AND ALTERATION TO EXISTING CLASS E SPACE

RE-SUBMISSION FOLLOWING NON-DETERMINATION APPEAL DISMISSAL PURSUANT TO 2021/2539/P AND APP/X5210/W/22/3306789

Introduction

We are instructed by our client, Mr Nick Dha, to submit an application for development described as follows in respect of 529 Finchley Road:

Extension of existing building to provide 4 flats (3x one-bed and 1x three-bed) together with refuse and cycle provisions and alteration to existing class E space

The application follows a non-determination appeal pursuant to **2021/2539/P** for development described as follows:

The development proposed is described as 'extension of existing building to provide 5 No. x 1 bedroom flats and alteration of existing A1 retail space

This was dismissed at appeal on 11th May, 2023 pursuant to appeal reference **APP/X5210/W/22/3306789**.

The revised scheme is a direct response to this refusal and the schedule of accommodation to be provide within the extended building is as follows:

Ground floor

- communal cycle store comprising 2 short-stay cycles and 8 long-stay cycles;
- Separate refuse store;

- Flat 1: one-bedroom two-person property with a net internal area of 51 square metres and so exceeding the NDSS minimum of 50 square metres, dual aspect with a garden area of 10 square metres;

First floor

- Flat 2: three-bedroom four-person property, and so a family unit, with a net internal area of 77 square metres and so exceeding the NDSS minimum of 74 square metres; triple aspect with windows front, side and rear and a terrace of 10 square metres with a glass balustrade (non-reflective glass) and a 1.7 metre high glazed privacy screen (again notated as non-reflective glass);

Second floor

- Flat 3: one-bedroom two-person property with a net internal area of 50 square metres so meeting the NDSS minimum of 50 square metres; also dual aspect with an amenity area of 7.5 square metres in the form of a balcony (the balcony is the same design as flat 2 below);

Part first floor/ part second floor:

- Flat 4: one-bedroom one-person duplex unit with a net internal area of 53 square metres: there is no NDSS standard for this quantum of accommodation over two storeys, either way the proposal is dual aspect with an inset terrace at first floor level, with an area of 5 square metres, together with rooflights.

The site lies at the junction of Finchley Road and Burrard Road just north of the spur with Ingham Road.

The existing building comprises retail at ground floor level together with a small service yard and a three-bedroom flat at first floor level and second floor level with a pre-existing terrace at first floor level.

As this application is a response to the previous appeal dismissal as introduced above (APP/X5210/W/22/3306789, May 2023) and we articulate this DAS against the 7 main issues identified by the Inspector as paragraph 6 of the May 2023 appeal decision as follows:

6. The main issues so far as relevant to this appeal are the effect of the proposed development upon;

- i) The character and appearance of the area, including the impact on trees;**
- ii) The living conditions of neighbouring occupiers at 529a and 529b Finchley Road with particular regard to light and outlook;**
- iii) Whether the proposal would provide suitable living conditions for the future occupiers of the proposed dwellings with regard to internal space for Units 3 and 5, and adequate light and outlook in respect of unit 5;**

- iv) **Whether the proposal would result in an unacceptable loss of a family sized dwelling and provision of an appropriate housing mix to meet the needs of the Borough;**
- v) **Whether the loss of commercial floorspace and service yard would be harmful to the functionality of an existing employment use;**
- vi) **Whether the proposal would make adequate provision towards affordable housing; and**
- vii) **Whether the proposal would secure a car-free housing scheme**

We do, however, start with the planning policy context.

Planning policy

The statutory Development Plan comprises as follows:

- **At local level the Camden Local Plan adopted 2017; and,**
- **At strategic level the London Plan of March 2021.**

Local level policy

We enclose below an extract from the proposals map to the adopted Plan which confirms that the site is not the subject of any particular policy designation (our addition of the red cross).



We confirm that the yellow shading seen on this extract (within which the application site does not lie) denotes designated conservation areas.

The applicant's position is that the application site is not within the setting of any of the adjoining conservation areas.

This view also aligns with that of the local planning authority and the Inspector as set out at paragraph 45 of the previous appeal decision.

The Redington and Frogna Conservation Area starts on the opposite side of Finchley Road and so some distance away; the West End Green Conservation Area is on the other side of Burrard Road and separated by the built form of this street.

There is therefore no visual connectivity from the appeal site to either of these two conservation areas and so this is not a matter which we take further.

This view also aligns with that of the local planning authority (in the context of the previous proposal) and the previous Inspector.

We submit that the following policy context is relevant to the assessment of this revised application:

- **Policy G1: Delivery and Location of Growth;**
- **Policy H1: Maximising the Housing Capacity;**
- **Policy H4: Maximising the Supply of Affordable Housing;**
- **Policy H6: Housing Choice and Mix;**
- **Policy A1: Managing the Impact of Development; and,**
- **Policy D1: Design (excluding the section on tall buildings)**

As the policy compendium is relatively brief it is set out in totality below:

Policy G1 Delivery and location of growth

The Council will create the conditions for growth to deliver the homes, jobs, infrastructure and facilities to meet Camden's identified needs and harness the benefits for those who live and work in the borough.

Delivery of growth

The Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by:

- a. **supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site;**
- b. **resisting development that makes inefficient use of Camden's limited land;**

- c. expecting the provision of a mix of uses where appropriate, in particular in the most accessible parts of the borough, including an element of self-contained housing where possible; and**
- d. supporting a mix of uses either on site or across multiple sites as part of an agreed coordinated development approach, where it can be demonstrated that this contributes towards achieving the strategic objectives and delivers the greatest benefit to the key priorities of the Plan.**

Growth in Camden will be expected to help contribute towards achieving the strategic objectives of the Local Plan and help deliver the Council's priorities set out in supporting text below.

This Plan seeks to meet Camden's objectively assessed needs to 2031 for:

- 16,800 additional homes (see Policy H1 Maximising housing supply);**
- 695,000sqm of office floorspace (see Policy E1 Economic development); and**
- c30,000sqm of retail floorspace (see Policy TC1 Quantity and location of retail development) Location of growth**

Development will take place throughout the borough with the most significant growth expected to be delivered through:

- e. a concentration of development in the growth areas of, King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;**
- f. development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead; and**
- g. the Council's Community Investment Programme (CIP).**

The Council identifies and provides guidance on the main development opportunity sites in the borough through our Camden Site Allocations and Area Action Plans.

The Council will require development in the growth areas, other highly accessible and CIP areas to be consistent with the area priorities and principles set out below.

Policy H1 Maximising housing supply

The Council will aim to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of

housing and exceeding a target of 16,800 additional homes from 2016/17 - 2030/31, including 11,130 additional self-contained homes.

We will seek to exceed the target for additional homes, particularly self-contained homes by:

- a. regarding self-contained housing as the priority land-use of the Local Plan;**
- b. working to return vacant homes to use and ensure that new homes are occupied;**
- c. resisting alternative development of sites identified for housing or self-contained housing through a current planning permission or a development plan document unless it is shown that the site is no longer developable for housing; and**
- d. where sites are underused or vacant, expecting the maximum reasonable provision of housing that is compatible with any other uses needed on the site.**

We will monitor the delivery of additional housing against the housing target, and will seek to maintain supply at the rate necessary to exceed the target. In seeking to maintain the housing supply, the Council will adjust the type and mix of housing sought, having regard to the financial viability of development, the sales or capital value of different house types and tenures, and the needs of different groups.

Policy H4 Maximising the supply of affordable housing

The Council will aim to maximise the supply of affordable housing and exceed a borough wide strategic target of 5,300 additional affordable homes from 2016/17 - 2030/31, and aim for an appropriate mix of affordable housing types to meet the needs of households unable to access market housing.

We will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. The Council will seek to negotiate the maximum reasonable amount of affordable housing on the following basis:

- a. the guideline mix of affordable housing types is 60% social-affordable rented housing and 40% intermediate housing;**
- b. targets are based on an assessment of development capacity whereby 100sqm (GIA) of housing floorspace is generally considered to create capacity for one home;**
- c. targets are applied to additional housing floorspace proposed, not to existing housing floorspace or replacement floorspace;**
66 Camden Local Plan | Meeting Housing Needs
- d. a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25**

additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity;

- e. an affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings;**
- f. for developments with capacity for 25 or more additional homes, the Council may seek affordable housing for older people or vulnerable people as part or all of the affordable housing contribution;**
- g. where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing;**
- h. for developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site; and**
- i. where affordable housing cannot practically be provided on site, or offsite provision would create a better contribution (in terms quantity and/ or quality), the Council may accept provision of affordable housing offsite in the same area, or exceptionally a payment-in-lieu.**

We will seek to ensure that where development sites are split or separate proposals are brought forward for closely related sites, the appropriate affordable housing contribution is comprehensively assessed for all the sites together. The Council will seek to use planning obligations to ensure that all parts or phases of split or related sites make an appropriate affordable housing contribution.

In considering whether affordable housing provision should be sought, whether provision should be made on site, and the scale and nature of the provision that would be appropriate, the Council will also take into account:

- j. the character of the development, the site and the area;**
- k. site size and any constraints on developing the site for a mix of housing including market and affordable housing, and the particular types of affordable provision sought;**
- l. access to public transport, workplaces, shops, services and community facilities;**
- m. the impact on creation of mixed, inclusive and sustainable communities;**
- n. the impact of the mix of housing types sought on the efficiency and overall quantum of development;**
- o. the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as build-to-let housing; and**

- p. whether an alternative approach could better meet the objectives of this policy and the Local Plan.**

Where the development's contribution to affordable housing falls significantly short of the Council's targets due to financial viability, and there is a prospect of viability improving prior to completion, the Council will seek a deferred contingent contribution, based on the initial shortfall and an updated

Policy H6 Housing choice and mix

The Council will aim to minimise social polarisation and create mixed, inclusive and sustainable communities by seeking high quality accessible homes and by seeking a variety of housing suitable for Camden's existing and future households, having regard to household type, size, income and any particular housing needs.

We will seek to secure high quality accessible homes in all developments that include housing. We will:

- a. encourage design of all housing to provide functional, adaptable and accessible spaces;**
- b. expect all self-contained homes to meet the nationally described space standard;**
- c. require 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2); and**
- d. require 10% of new-build self-contained homes in each development to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3).**

We will seek to secure a variety of housing suitable for existing and future households overall across development in the borough. When considering future site allocations and negotiating the types of housing included in each development, we will:

- e. seek a diverse range of housing products in the market and affordable sectors to meet the needs across the spectrum of household incomes;**
- f. promote Starter Homes in accordance with government requirements;**
- g. support the development of private rented homes where this will assist the creation of mixed, inclusive and sustainable communities;**
- h. seek provision suitable for families with children, older people, people with disabilities, service families, people wishing to build their own homes and Camden's traveller community; and**

- i. require a range of dwelling sizes in accordance with Policy H7 Large and small homes.**

Where housing is proposed as part of development with a site area of 0.5 ha or greater, we will expect the development to make provision for particular housing needs. For such sites, the Council will particularly seek to address the need for serviced plots available to people wishing to build their own homes but may also support the inclusion of housing for older people or vulnerable people, student housing, or other housing with shared facilities. In considering the scale and nature of provision for particular housing needs that would be appropriate, the Council will take into account:

- j. criteria in Policies H8, H9, and H10 where applicable;**
- k. the character of the development, the site and the area;**
- l. site size, and any constraints on developing the site for a mix of housing including provision for particular housing needs;**
- m. the impact on creation of mixed, inclusive and sustainable communities; Camden Local Plan | Meeting Housing Needs 83**
- n. the impact of provision for particular housing needs on the efficiency and overall quantum of development;**
- o. the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as build-to-let housing; and**
- p. whether an alternative approach could better meet the objectives of this policy and the Local Plan.**

Policy A1 Managing the impact of development

The Council will seek to protect the quality of life of occupiers and neighbours.

We will grant permission for development unless this causes unacceptable harm to amenity. We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;**
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;**
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and**
- d. require mitigation measures where necessary.**

The factors we will consider include:

- e. visual privacy, outlook;**
- f. sunlight, daylight and overshadowing;**
- g. artificial lighting levels;**
- h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;**
- i. impacts of the construction phase, including the use of Construction Management Plans;**
- j. noise and vibration levels;**
- k. odour, fumes and dust;**
- l. microclimate;**
- m. contaminated land; and**
- n. impact upon water and wastewater infrastructure**

Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;**
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;**
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;**
- d. is of sustainable and durable construction and adaptable to different activities and land uses;**
- e. comprises details and materials that are of high quality and complement the local character;**
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;**
- g. is inclusive and accessible for all;**
- h. promotes health;**

- i. **is secure and designed to minimise crime and antisocial behaviour;**
- j. **responds to natural features and preserves gardens and other open space;**
- k. **incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,**
- l. **incorporates outdoor amenity space;**
- m. **preserves strategic and local views;**
- n. **for housing, provides a high standard of accommodation; and**
- o. **carefully integrates building services equipment.**

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Strategic Planning Policy: the London Plan 2021

Policy GG1 concerns building strong and inclusive communities where criterion (G) states as follows:

G ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods, and are resilient and adaptable to changing community requirements

Policy GG2 concerns making the best use of urban land; the most relevant criterion of which is (C) which reads as follows:

C proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling

In addition, policy GG4 deals with delivering the homes that Londoners need and this is prefaced by paragraph 1.4.5 which reads as follows, with our emphasis added:

1.4.5 To meet the growing need, London must seek to deliver new homes through a wide range of development options. Reusing large brownfield sites will remain crucial, although vacant plots are now scarce, and the scale and complexity of large former industrial sites makes delivery slow. Small sites in a range of locations can be developed more quickly, and enable smaller builders to enter the market. Building more housing as part of the development of town centres will also be important, providing homes in well-connected places that will help to sustain local communities.

And policy GG4 itself:

GG4 Delivering the homes Londoners need to create a housing market that works better for all Londoners, those involved in planning and development must:

A ensure that more homes are delivered

B support the delivery of the strategic target of 50 per cent of all new homes being genuinely affordable

C create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing

D identify and allocate a range of sites to deliver housing locally, supporting skilled precision-manufacturing that can increase the rate of building, and planning for all necessary supporting infrastructure from the outset

E establish ambitious and achievable build-out rates at the planning stage, incentivising build-out milestones to help ensure that homes are built quickly and to reduce the likelihood of permissions being sought to sell land on at a higher value.

Policy D3 concerns optimising site capacity through the design-led approach where the relevant criteria are as follows:

Form and layout

1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

Quality and character

11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character

12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well

Table 4.1 sets out up to date ten-year targets for net housing completions (2019/20-2020/29) where Camden has a target of 10,380 in total

In addition, the recently adopted strategic planning policy context has a specific policy in respect of small sites which reads as follows, with our emphasis:

Policy H2 Small sites

A Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs**
- 2) diversify the sources, locations, type and mix of housing supply**
- 3) support small and medium-sized housebuilders**
- 4) support those wishing to bring forward custom, self-build and community led housing**
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.**

B Boroughs should:

- 1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites**
- 2) where appropriate, prepare site-specific briefs, masterplans and housing design codes for small sites**
- 3) identify and allocate appropriate small sites for residential development**
- 4) list these small sites on their brownfield registers grant permission in principle on specific sites or prepare local development Orders**

Table 4.2 which follows this policy sets out ten-year targets for net housing completion arising from small sites which are defined within the policy as being below 0.25 hectares in size. Camden has a target of 3,280 units from such sites and clearly this is an important contribution in respect of the overall target.

ASSESSMENT

Character and appearance of the area, including the impact on trees

We note that the scheme has been amended from the previous scheme with a significant reduction at first floor level.

In respect of this larger scheme the Inspector found in favour of the appellants in terms of the impact upon the character and appearance of the area and the key sections of the relevant analysis are set out from paragraphs 9 to 12 of the appeal decision as follows, **with our emphasis added:**

9. The immediate context of the appeal site includes taller buildings, namely the approximately 4-storey building at No 527 Finchley Road on the opposite corner of Burrard Road and the 3-storey building of No 2 Ingham Road to the rear. Visually from Burrard Road, the design of the proposed extension including incremental step changes would enable the retention of the hierarchy of the taller 3-storey host building facing the wider street of Finchley Road.

10. The appeal property is a red bricked building with a balanced ratio of wall to window including attractive detailing such as cambered lintels and projecting string coursing and quoins. This architectural detailing would be followed through onto the proposed extension which would add interest to the building, along with the stepping down in height and set-backs within the Burrard Road elevation, that would minimise the overall scale of the development. The articulation of the ground floor elevation with 2 doors and 2 windows as well as a projecting brick coursing to the corner, would provide an improvement to the street environment given the presence of the existing tall boundary wall.

11. From the evidence before me, it is unclear as to why the duplicating of features of the existing building would be inappropriate. The visual success of the extension would largely depend on the materials used and the manner in which the architectural detailing is executed. However, given the clear expression of such matters within the submitted plans, there is nothing before me to suggest that the proposal would not amount to a high-quality development that reflects the character of the host building.

12. The extent or visibility of any glass balustrades that would be installed to the proposed roof terraces is unclear from a comparison of the proposed elevation and visual drawings. The Council's concerns with regard to the reflectivity of the glass is acknowledged. However, as the Council indicates that railings or trellising may be considered acceptable, this is a matter that could reasonably be dealt with by way of condition, were the proposal to be acceptable in all other regards.

The same principles apply in respect of the reduced design.

We have notated non-reflective glass on the balustrade as this was a point which was addressed at paragraph 12 of the appeal decision.

Within this section and from paragraphs 14 and 15, the Inspector dealt with the two street trees and noted the lack of an arboricultural assessment to support the appeal.

This omission is now remedied and an assessment prepared by ROAVR Group and dated 8th November 2023 where paragraphs 4.4 and 4.5 read as follows:

4.4. Impact on Tree Canopies.

4.4.1. Minor pruning works are required to T1 and T2 facilitate the proposed development and ease encroachment on the new building. The works required are a combination of crown raising and crown reduction, and are well within the scope of the cyclical pruning works already carried out to these trees.

4.5. Impact on Tree Roots.

4.5.1. A specially engineered foundation design will be required to minimise impacts to the roots of T1 and T2, and to ensure the building is protected from future risk of clay shrinkage subsidence which can be exacerbated by the presence of large trees with high water demand. Small diameter piles and a raised raft or ring beam is recommended, with the raft/ring beam being set above ground level. It may be possible to utilise the depth currently occupied by hard surfaces to set the raft/ring beam into, however undisturbed ground below existing hard surfaces is likely to contain tree roots and must not be disturbed or excavated into other than for the installation of piles

Living conditions of the neighbouring occupiers

The Inspector found harm in respect of the previous scheme in relation to this matter.

She referred to outriggers forming a "U-shaped" alcove between the property and the neighbour at 529 (a).

She found there to be a harmful sense of enclosure and subsequently identified planning harm.

In response the revised scheme is set in significantly at first floor level and as a consequence and due to re-planning in other areas, the proposal has been reduced by one unit.

The notional 45 degree line from the habitable windows of the adjoining property is respected and by some margin.

The application is also supported by two sunlight and daylight reports prepared by "Rights of Light Consulting".

The first is that which was previously submitted in respect of neighbouring properties in support of the appeal.

This is dated February 2023, however, for the reasons as explained at paragraph 3 of the appeal decision this was not taken into account.

It confirms at paragraph 1.1.5 that all neighbouring windows pass the relevant BRE diffuse daylight and direct sunlight tests.

As noted previously this related to the appeal scheme which is larger and so logically the same conclusions can apply to the reduced scheme (and so there was no reason to update that report).

In addition, and prepared by the same consultancy, we enclose a sunlight and daylight report of September 2023 which assesses the internal daylighting to be provided to the four new units.

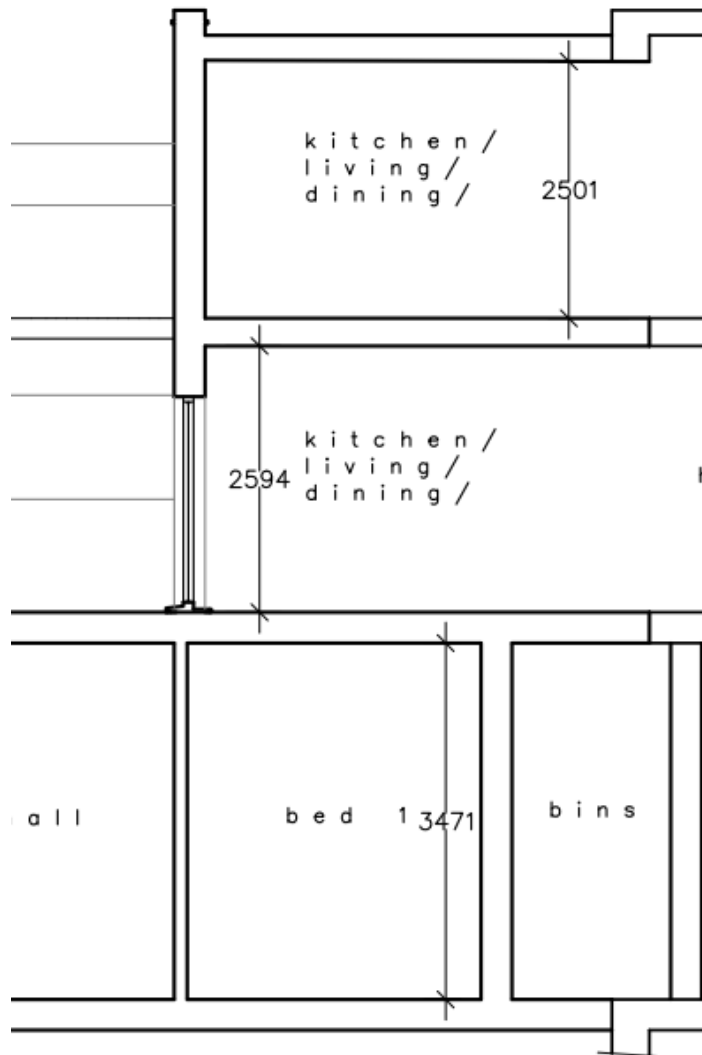
This again confirms that lighting levels will be acceptable.

Living conditions of future occupiers

This was dealt with from paragraphs 24 to 29 of the previous appeal decision.

The Inspector noted that no sectional drawings were submitted to show the floor to ceiling heights: these are now submitted and the floor to ceiling heights annotated.

The ground floor has a floor to ceiling height of 3.47 metres; the first floor has a floor to ceiling height of 2.594 metres and the second floor 2.5 metres; see plans extract below:



There is no need to address the matter any further as the Inspector's concerns were in relation to a materially different scheme and the design is now different in response to the points previously raised.

In terms of the living conditions of future occupiers we refer to our description in the introductory section of this statement which confirms the dual/triple (as appropriate) aspect nature of the flats and their compliance with, and exceedance of, NDSS standards, plus in addition the new lighting report.

Loss of family-size dwelling

Whilst this is a small site the revised scheme now provides a family unit as unit 2 and there is an appropriate mix between one-bedroom one-person and one-bedroom two-person.

Functionality of employment use

As a consequence of the development the yard will no longer be available to the ground floor Class E unit.

In response we make a number of points.

The first is that the existing gates (see Google image below) are fairly narrow and not conducive to the larger vehicles that are often used to service these units and it is also difficult to turn around in the yard, especially if there are other parked cars.



There is parking to the side of the unit on the road.

This is permit parking but visitors permits are available and finally the area to the rear of the yard yet off the public highway (also shown on the image above) provides sufficient space off the road to unload and we note that most delivery drivers are very efficient in their activities.

Affordable housing and car-free obligations

We submitted a unilateral obligation in respect of these matters pursuant to the appeal and subject to the relevant evidence from the local planning authority in respect of the car-free issue (as this was questioned by the Inspector at paragraph 43) the applicants will be amenable to submitting a further Section 106 agreement/obligation.

This matter was never contested with the last appeal.

By way of conclusion this revised and reduced scheme is a direct response to the allegations of harm as articulated within the context of the May 2023 appeal decision.

The necessary reports have been provided and the design amended to directly respond to the concerns raised.

The Inspector placed a great deal of weight on the additional housing to be provided and also felt that a rear extension was appropriate architecturally and in terms of the street-scene and the proximity to the adjoining conservation area.

This is a small-scale application, classified as a minor development and one which can come forward in the short term in accordance with paragraph 69 of the NPPF which reads as follows:

69. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly

In addition, London Plan policy H2 places a focus on new housing coming forward from small sites and this site clearly qualifies.

In addition to this Camden is an authority which is very much constrained by open space designations and pre-existing built form and a modest well-designed scheme which makes a contribution towards housing is a matter which should be afforded significant weight.

The engagement of the tilted balance was also addressed as follows:

46. The Council advises that its Housing Delivery Test results demonstrate a recent under provision of housing delivery. As such, it confirms that the relevant policies for the supply of housing should not be considered up to date and paragraph 11(d)ii of the Framework should therefore be applied.

And also,

48. The proposal would deliver a number of benefits. The delivery of 4 (net) dwellings of an appropriate design in an area where there is good access to facilities, services and public transport would contribute importantly but nonetheless modestly, to the local supply of housing. The improvement to the appearance of the service yard, setting aside the implications for the commercial unit, would also be of benefit. The scheme would further make a contribution towards the provision of affordable housing in the Borough, via a modest financial contribution

The revised scheme responds to the previously stated concerns and is a scheme which accords with the material provisions of the Development Plan and the sustainability credentials of the Framework.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

**Collins & Coward
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