

## Planning Appeal – Statement of Case

Erection of a new detached dwelling in the rear garden of 94 Arlington Road, London NW1 7HT

Planning Application Reference: 2023/1888/P



### 1 Introduction

- 1.1 On 11<sup>th</sup> May 2023, the application was submitted and received by the London Borough of Camden Council for the 'Erection of a new self-contained dwelling in the rear garden' of 94 Arlington Road, London NW1 7HT'. The application was subsequently then validated on 28<sup>th</sup> July 2023, 11 weeks after the application was received by the Council. With very little to no communication from the Council post validation, the applicants have appealed for non-determination on 3<sup>rd</sup> October 2023, 21 weeks after the application was submitted to the Council.
- 1.2 The proposal is for the erection of a two-storey structure in the rear garden of 94 Arlington Road, to facilitate a new 1B2P dwelling house. The building would front onto Delancey Passage, which is a passageway that hosts buildings on seven out of the ten rear plots of land from Arlington Road, Delancey Street and Camden High Street.
- 1.3 The two-storey structure will be composed of brickwork and green / living walls to provide a new visually and socially beneficial building in line with the two to four storey structures that currently exist along Delancey Passage.

## 2 Description of Proposal Site & Surrounding Area

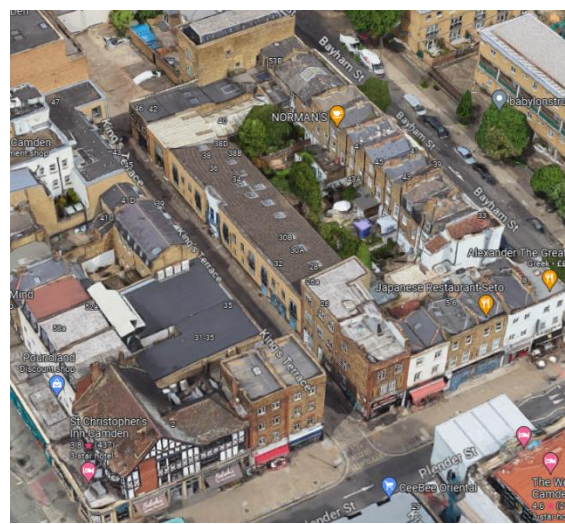
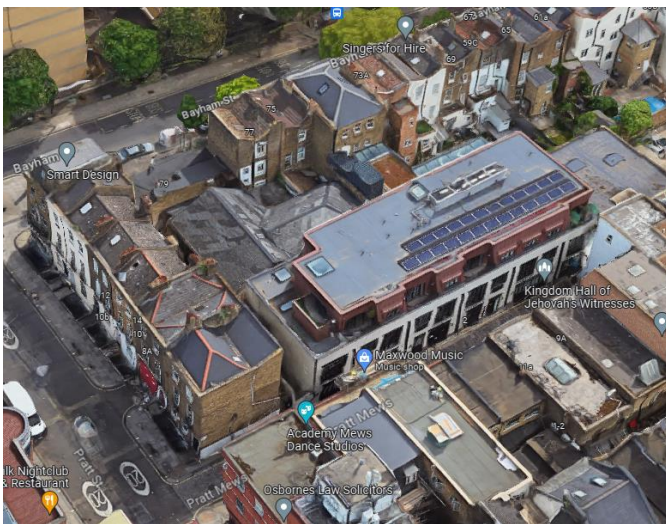
- 2.1 The Site is located on Arlington Road close to the junction of Delancey Street. Delancey Passage is located to the rear of the site. The existing building provides a 4 storey terrace residential building. The site is located within the Camden Town Conservation Area. The existing building is not known to be statutory or locally listed and can be deemed as a neutral contributor to the surrounding conservation area. The site lies within a flood risk zone of 1 and a public transport accessibility level of 6B which is the best. On one side of the site is a modest substation structure and on the other is a two-storey commercial building. Built form along Delancey Passage is common place with each rear land that backs on to Delancey Passage having a structure fronting onto the passageway ranging from 2 to 4 storeys (please refer to the photograph below).
- 2.2 The passageway and site itself are prone to antisocial behaviour and fly tipping due to its nature being in close proximity to Camden High Street. Therefore, the increased building presence along the passageway will help to reduce these behaviours.
- 2.3 The wider area of Camden Town Centre is a very vibrant and dense urban environment with a range of commercial, residential and community uses. Developments such as the proposed for back land development are established within each part of the local area, due to the nature of the densely population urban environment. These include mews streets and passageways accommodating historic industrial warehouse buildings to modern small-scale dwelling houses and commercial spaces. Therefore, this form of development has been established within the local Camden Town area (please refer to the photographs on 3).



*(Image from the rear of 94 Arlington Road of the Proposal Site & Surrounding Area)*



*(Image along Delancey Passage- 8 Delancey Passage left and Proposal Site right)*



*(Aerial image of Pratt Mews (left) and King's Terrace (right) east of Site in Camden Town Centre)*

### 3 Description of Proposal

3.1 The proposal is for the erection of a two-storey structure in the rear garden of 94 Arlington Road. The structure would facilitate a 1B2P dwelling house. Access would be provided from Delancey with a secondary escape leading onto the rear of the existing building. The proposal is composed from brickwork. It contains projecting bricks with deep window reveals. The structure has contrasting brickwork with darker bricks defining the base and windows. It has a parapet wall extending up vertically to conceal a flat roof. Amenity space is provided in the form of a garden terrace and balcony. The design also includes a green / living wall which adds to the visual interest and enhances the setting of the site. It also adds biodiversity and provides an enhanced outlook for neighbouring buildings.

## 4 Planning Policy

4.1 The planning policy background is set out in the supporting Design, Access and Heritage Statement which accompanied the planning application. Whilst the Inspectors attention is drawn to this it is not proposed to repeat the full content here.

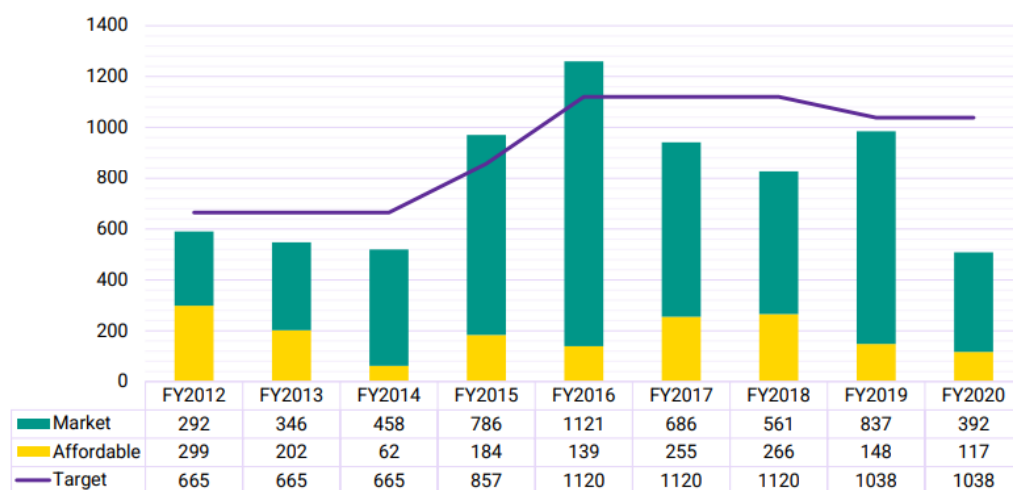
## 5 The Case for the Appellant

### 5.1 Housing Supply Shortfall

5.1.1 As with much of the local area and the Camden Town area as a whole, back land development has been a prominent source of development to boost the economy and housing in the borough of Camden. Camden is a vibrant and dense urban environment.

5.1.2 In March 2021, the new London Plan was published and Policy H1 of the new London Plan set a target for Camden of 10,380 additional homes for ten years to 2028/29, equivalent to an annual target of 1,038 additional homes per year. As stated within the London Borough of Camden Regeneration and Planning Authority Monitoring Report 2018/19, 2019/20, and 2020/21, Housing Flows Reconciliation data showed that for the year of 2021/22, an additional 536 self-contained homes were completed in Camden. In comparison, in 2018/19 633 homes were provided and in 2019/20 916 homes were provided. This shortfall indicates that Camden Council have been unable to meet the target of the 10-year housing supply target within the London Plan each year.

5.1.3 In 2020, Camden Councils target was to deliver 1,038 new dwellings that was required by the population of the Borough. However, in 2020 the Council met just 49% of this target by delivering a total of 509 dwellings across both affordable and market housing. This shows that a new self-contained dwellings such as the proposed is highly sought after and in need by local residents.



This graph shows the total number (net) of self-contained dwellings completed between 2012/13 and 2020/21. This has then been broken down to show how many market and affordable units were delivered in each financial year. Figures for 2021/22 were not available at the time that the action plan was published.

(Figure 1 - London Borough of Camden Housing Delivery Test – Action Plan (August 2022) – Graph Showing the total number of self-contained dwelling completed per year)

- 5.1.4 These figures reflect the fact that the borough as a whole has a shortfall in housing to meet its demand from the local community and that the local area is in high demand for sought after new self-contained dwellinghouses of which this application aims to provide.
- 5.1.5 The London Plan (2021) Policy H2 on Small Sites also states that, Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs, diversify the sources, locations, type and mix of housing supply, support small and medium-sized housebuilders, and to achieve the minimum targets for small sites as a component of the overall housing targets set out within the Plan.
- 5.1.6 As per this London Plan Policy H2 (2021), the proposed site is a small site (below 0.25 hectares), in a sustainable and suitable urban environment, produced by a small housebuilder in hopes to provide the local community with a well-designed dwelling house that diversifies the type and mix of housing supply in the area. As the supply of 1B2P is usually provided in the form of apartments rather than a self-contained house with garden amenity space.
- 5.1.7 Therefore, this application meets the criteria as set out within the London Plan (2021) and should be approved based on the fact it helps Camden Council achieve its overall housing targets, of which is has been unable to do so.

## 5.2 Sunlight, Daylight and Shading

- 5.2.1 A Sunlight, Daylight and Shading Report was submitted along with the application produced by Pro Sustainability Ltd to ascertain the proposals impact upon 94 Arlington Road and the neighbouring building at 8 Delancey Passage. As shown in the photographs below and within the report, no. 8 Delancey Passage has two windows serving the ground floor of the commercial unit located directly on the party/boundary wall between the building and the garden area of 94 Arlington Road.
- 5.2.2 These windows are not listed on the title and have been causing much stress for the occupiers of 94 Arlington Road due to the impacts upon the privacy and the loss of enjoyment to use the garden amenity space. The residents have allowed shrubs and plants to grow around the windows to provide some shielding and privacy from overlooking. These windows are listed as Window 6 and Window 7 on the Sunlight, Daylight and Shading Report attached with this application.
- 5.2.3 The window which will be blocked by the proposed dwelling is Window 6, which is located on a party/boundary wall directly overlooking the garden space of 94 Arlington Road. This window leads to an open plan commercial unit currently in office use. These windows severely impact the privacy of occupiers of 94 Arlington Road, and have caused occupiers to feel exposed to the commercial use, unable to enjoy the privacy within their own garden space.
- 5.2.4 This window (W6) is also currently covered by large amounts of shrubbery and plants that have been able to provide some level of privacy to the occupiers of 94 Arlington Road and therefore, already show that this window does not receive a steady impactful level of light and therefore any reduction in the light levels shown in the sunlight daylight report are negligible as the window is already being blocked by shrubs (shown in photographs on Page 6).



*(Images showing the party wall windows from 8 Delancey Passage)*

- 5.2.5 Furthermore, no.8 Delancey Passage also currently has triple aspect with multiple windows (over 10 windows) on three elevations of the building, with an additional glass atrium on the roof space and a roof light on the ground floor outrigger providing additional light. Therefore, the building is well served by outlook, aspect and natural light for such an urban location.
- 5.2.6 Therefore, the open commercial space as a whole will not be greatly impacted by the reduction of light from this window (W6). Please refer to the photographs below that show many of the windows currently present at 8 Delancey Passage.



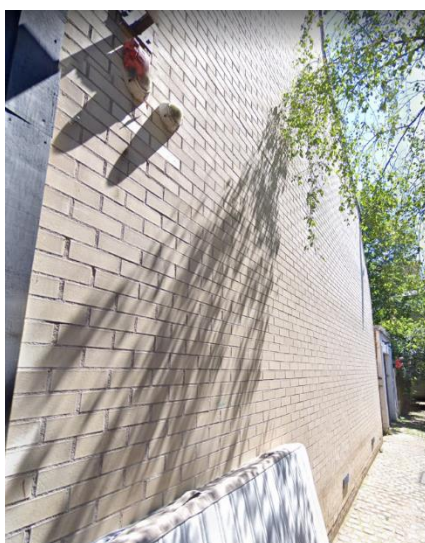
*(Images showing the windows of 8 Delancey Passage)*

- 5.2.7 The applicants have carefully considered the neighbouring building and have tried to minimise any impact by designing the building to 'L Shape' around one of the windows (W7) ensuring its access to natural light remains and have also limited any noise or disturbance to the occupiers of the commercial unit by making this door at the rear a secondary escape rather than the main entrance to the proposed dwelling.

- 5.2.8 Moreover, as the Daylight, Sunlight & Shading Report carried out by Pro Sustainability Ltd shows, daylight and sunlight analysis was carried out for both the existing and proposed scenarios to investigate the possible impact of the proposal. These 'garden' windows were tested, and although one would be impacted in terms of daylight and sunlight (W6), the other window (W7), only shows medium levels of impacts for both VSC and APSH, while the Sky View within the ground floor has negligible impact due to the fact the room has many other sources of daylight and sunlight. Therefore, the report shows that the overall impact on 8 Delancey Passage ground floor level is medium, whilst the first-floor impact is negligible.
- 5.2.9 Furthermore, paragraph 123c of the National Planning Policy Framework (NPPF, 2023) states that, where there is a shortage of land for meeting housing needs, a flexible approach should be applied in policies relating to daylight or sunlight where they would otherwise inhibit making efficient use of a site.
- 5.2.10 Therefore, we have to note that the building itself is a commercial property, the space is open plan with triple aspect and many other sources of natural light, the windows are on a party wall with no rights on the title, the windows themselves cause the occupiers of 94 Arlington Road to have little to no privacy when using the garden, and that the shrubbery along the wall already prevents the window in question to have much if any existing light. The social, environmental and economical benefits of providing a sustainable new dwelling house to serve the local community outweighs the negative harm caused to one window of the neighbouring commercial unit.

### 5.3 Design

- 5.3.1 The buildings located along the street scene of Delancey Passage have no consistent design characteristics with a mix in scale, design and materials.
- 5.3.2 The previously approved buildings along Delancey Passage, to the rear of Camden High Street and Delancey Street (as shown in the photographs below on Pages 7 and 8), have been approved at heights of 3-4 storeys. With many providing harsh blank brickwork walls fronting onto Delancey Passage, which do not add visually to the street scene and have created an overbearing and visually detracting form of development. These approved buildings have enabled anti-social behaviour and fly-tipping to thrive along Delancey Passage.
- 5.3.3 Instead the proposed development aims to work proactively with the street scene and provide a design that adds to the aesthetics of Delancey Passage. Whilst also providing active frontage which will aid in preventing anti-social behaviour and fly-tipping, rather than to create an inactive street scene which attracts these forms of behaviour.



*(Images from the street scene of Delancey Passage – Left: 3-7 Delancey St, London NW1 7NL, Middle: 2 Delancey Passage, London NW1 7NN, Right: 5 Delancey Passage, London NW1)*

- 5.3.4 Furthermore, the existing developments approved and established along Delancey Passage to the rear Camden High Street, Delancey Street and Arlington Road have been approved at building ranges of two to four storeys with plot ratios of 90-100%. However, the proposed scheme has instead worked sensitively with existing site and has provided large amenity space for both the host building and the proposed building. With a much larger separation distance from the proposed building and 94 Arlington Road, along with a reduce plot density ratio (Please refer to the site photographs and block plan below).
- 5.3.5 The design reflects the scale, massing along the street-scene, whilst also sensitively setting back the building from the boundary to preserve and respect the existing tree and not to suppress or overcrowd Delancey Passage.



*(Image from the outlook of 94 Arlington Road showing the street scene of Delancey Passage)*



*(Left – Ariel photograph of the Block, Right – Block Plan of the Proposed Development)*



- 5.3.6 The design has taken influence from many of the attributes of the new developments and historic industrial buildings within the local area including the examples referenced to in the photographs below, at Regent House 1-6 Pratt Mews, NW1 0AD, 17-29 Hawley Crescent, NW1 8TT, 10 Greenland Street, NW1 0ND and 4 Greenland Place, NW1 0AP.
- 5.3.7 The brickwork which is a prominent feature within many of these buildings in the local area has been reflected and emphasised within the proposal. The proposed design aims to respect the historic and new buildings in Camden Town Centre and match the characteristics of these buildings. The brick detailing proposed is a yellow stock with darker brick detailing around the windows and doors. This is consistent with the established buildings within Camden Town Centre (shown in the photographs below). Thus highlighting the important design features of the local area.



*(Images of Regent House 1-6 Pratt Mews, NW1 0AD – Planning Ref: 2013/7739/P)*



*(Images of 4 Greenland Place, NW1 0AP)*



*(Images of 10 Greenland Street, NW1 0ND)*

5.3.8 The proposed design also includes a green/living wall, which will both improve the outlook from 94 Arlington Road and neighbouring building, and also increase the sustainability and biodiversity on the site. It provides the residents of Arlington Road with a visually beneficial outlook and adds to the aesthetic of the buildings located along Delancey Passage. This takes reference from the living green walls including within new developments in the local area such as 17-29 Hawley Crescent, NW1 8TT, as shown below.

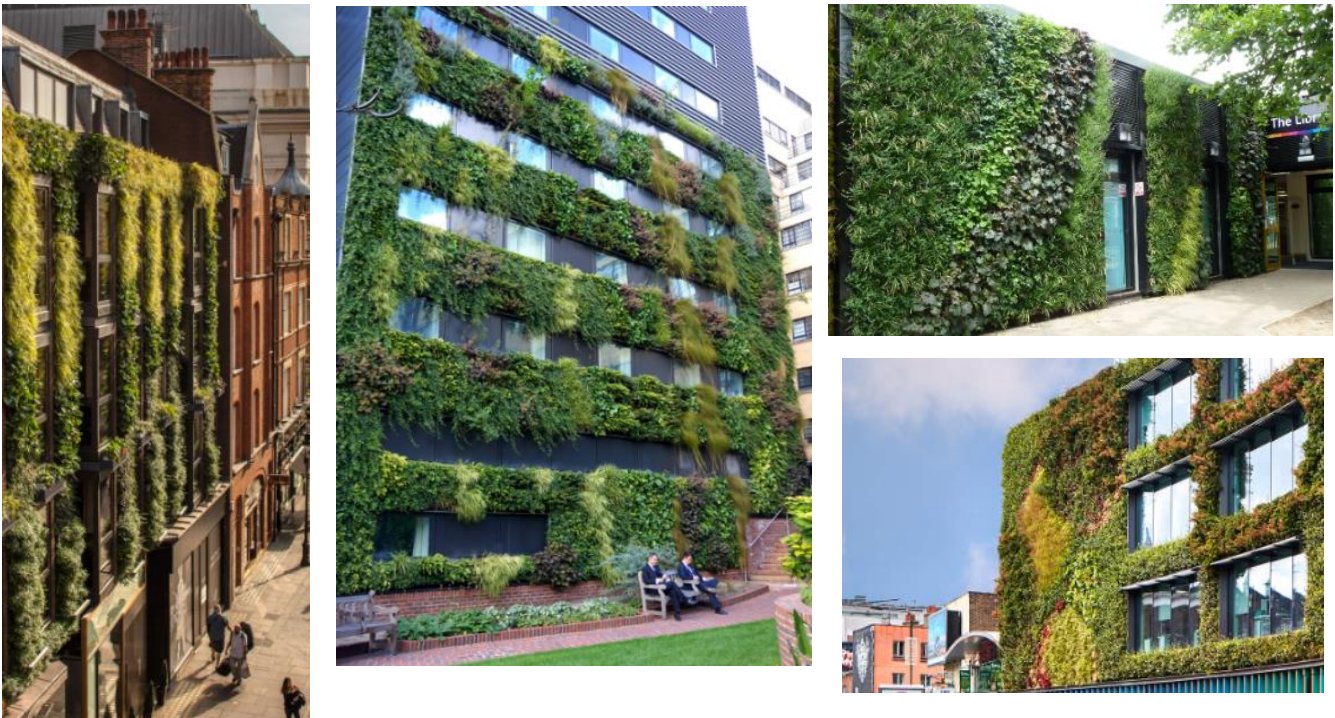


*(Images of 17-29 Hawley Crescent, NW1 8TT Planning Ref: 2016/4841/P)*

5.3.9 As a result of the above, it is considered that the proposed will benefit both the visual aesthetics and activity along Delancey Passage which will provide a beneficial form of development that is subservient and respectful to the surrounding buildings, whilst also aiding in reducing anti-social behaviour and fly-tipping.

## 5.4 Biodiversity and Sustainability

- 5.4.1 The proposed dwellinghouse aims to be highly sustainable and increase the biodiversity on the site. The scheme proposes the use of renewable technology in the form of PV panels located on the roof space of the dwellinghouse. This will allow the dwelling to partly produce its own electricity and reduce the need for future demands on the local network, energy consumption and reduce the buildings future carbon footprint.
- 5.4.2 In addition, an air source heat pump is proposed. An air source heat pump is a more sustainable option than traditional oil or gas heating, and it is more energy efficient. Water usage would also be designed to be no greater than 105 litres/person/day.
- 5.4.3 The proposal also involves a green living wall to promote biodiversity and to reduce surface water runoff. The proposal will contribute to minimising the effects of climate change and is a sustainable form of development, in line with Local Plan Policies CC1 and CC2. Whilst providing visual amenity to neighbouring buildings and providing a modern cladding that both visually improves the building and provides natural insulation. The living green wall will also purify the air quality, reduce noise as they act as a sound barrier to buildings absorbing 41% more sound than a traditional façade causing the environment to become quieter.
- 5.4.4 The plants planted within the living wall will helpfully capture toxins, gases and particulate matter by engaging a number of natural processes. The term for this is biogenic regulation and overall help to clean the air.
- 5.4.5 The plants will also lower temperatures through evapotranspiration and can have an effect in reducing urban heat in hotter months compared to other cladding such as brick or plaster. The living wall covers the building creating a shading effect that prevents the building surface from absorbing solar radiation and re-radiating it back into the surrounding environment. Overall, reducing the building energy consumption. Whilst also improves air pollution in the area it will also increase biodiversity of the urban area with plants and also offering a vital nesting space and shelter for birds and insects such as bees.



*(Examples of Green Living Walls on exterior walls in use)*

## 6 Conclusion

- 6.1 National Planning Policy Framework (2023) advises that the primary objective of development management is to foster the delivery of sustainable development and not to hinder or prevent development. The NPPF sets out that in determining planning applications, local planning authorities should apply the presumption in favour of sustainable development. The NPPF is very clear that development must not be prevented simply because it will cause change. The presumption in favour of sustainable development is reinforced by the NPPF, stating that the golden thread running through both plan making and decision-taking, involves seeking positive improvements in the quality of the built environment, including widening the choice of high quality homes.
- 6.2 The proposed development is consistent with national, regional and local planning policies, which seek to maximise the supply of additional homes and ensure housing needs are met. The additional dwelling would contribute towards Camden Council meeting its housing target of 10,380 new homes. The proposal will maximise the efficient use of a previously developed site, making effective use of an area of unused, redundant open space in a town centre location, which is currently encouraging unlawful behaviour and instead providing an additional home to meet the needs of the local community.
- 6.3 The proposed design is in keeping with the general character and context of the surrounding buildings within its vicinity. The proposal is sympathetic to the existing building and surrounding buildings in terms of style and massing.
- 6.4 The proposals are consistent with the Government's primary objectives for the planning system – that development should be sustainable. The proposals are consistent with the Government's definition of sustainable development and therefore the presumption in favour applies. For these reasons above, it is considered planning permission should be granted.