

Planning Statement

**139-147 Camden Road,
Camden, London NW1 9HJ**

Prepared For
Vijay Pindoria

3126
February 2024



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CHARTERED TOWN PLANNERS

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CONTENTS

1	INTRODUCTION	1
	The Application Site	1
	The Proposed Development	2
2	PLANNING ASSESSMENT	5
	Provision of New Homes – Character and Appearance	5
	Affordable Housing	10
	Quality of Proposed Accommodation	10
	Air Quality	12
	Contamination	13
	Trees	14
	Transport and Highway Implications	14
3	CONCLUSION	16
	APPENDIX 1 – APPEAL DECISION	18



1 INTRODUCTION

1.1 This This statement has been prepared to accompany an application made by Vijay Pindoria to London Borough of Camden for the following development proposal:

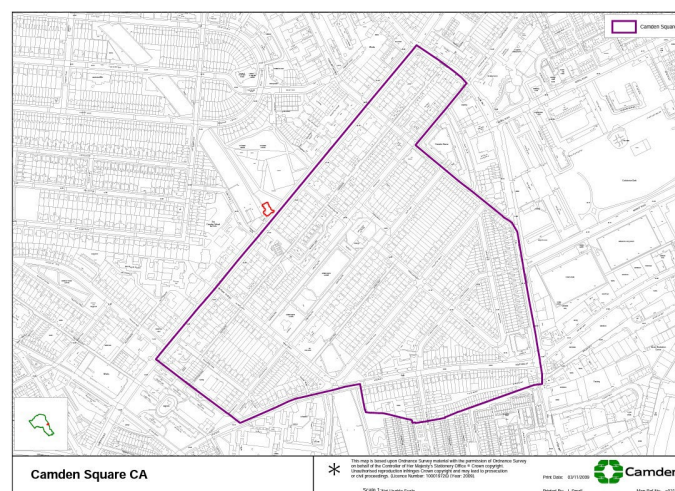
'The construction of a 3 storey residential building with ground floor bin and bicycle stores and front paving and planting'

1.2 The following section provides relevant background to the application, including a description of the application site and the development proposal. The report then goes on to consider the proposal against the development plan and any relevant material planning considerations.

THE APPLICATION SITE

1.3 The application site [the site] is located to the north of Camden Road (A503) and comprises of an area of hardstanding next to a single storey vehicle service building. In this location, Camden Road is predominantly residential in character, with the site also being close to a school and a petrol filling station. The Canteloves Gardens neighbours the site, with an open railway line also next to it.

1.4 The application site does not contain any Listed buildings and is not located in a Conservation area. It is near to the Camden Square Conservation Area boundary which is located on the opposite side of Camden Road. The Conservation Area boundary is shown on the below figure (site shown in red).





1.5 Notably, the two sides of Camden Road have distinct characteristics, with the south side occupied by three storey semi-detached villas with basement levels, whereas on the north side (the side of the site) there are no villas. There is also more variety in terms of building heights, scale and massing. Canteloves Gardens does then provide a break in the otherwise continuous line of buildings, although itself is built upon with sport pitches and play areas, with associated enclosure fencing.



Figure 1 – Photographs of villas (left) and backdrop to site (right)

1.6 Indeed, the gardens are an urban park with development located up to its edges along Pandian Way and Oseney Crescent. The Camden School for Girls, which is a substantial building then provides the backdrop to the South West, with the railway line in between. Existing development of different forms can therefore be seen in all directions from Canteloves Gardens.

THE PROPOSED DEVELOPMENT

1.7 The proposed development follows the refusal of application 2022/4293/P in March 2023 for *'the erection of a 4 storey block of flats with ground floor bin and bicycle stores and front paving and planting'*. The primary reasons for refusal related to the following matters:

- the character and appearance of the area, including Camden Square Conservation Area and Canteloves Gardens;
- the living conditions of future occupiers with regard to access and the size and layout of units, and air quality;



- The need for a s106 legal undertaking to secure matters relating to highways and parking.

1.8 A subsequent appeal against the refusal was dismissed in January 2024 (**Appendix 1**) with the Inspector finding that there would be harm from the proposed four storey block. However, they also determined that there would be no policy conflict in relation to air quality and that the size of the units would be sufficient.

1.9 After reviewing the Appeal decision it was determined that the remaining reasons for refusal could all be resolved, some of which are technical matters that can be overcome by entering into a s106 legal undertaking.

1.10 The new proposal would comprise of a three storey building, rather than four, and reconfigured to allow for the units to benefit from dual aspect windows and greater accessibility. The ground floor is now to be set further back from the main road, increased from 3.4m to 5.4m and the 1st floor overhang from 1.35m to 3.35m.

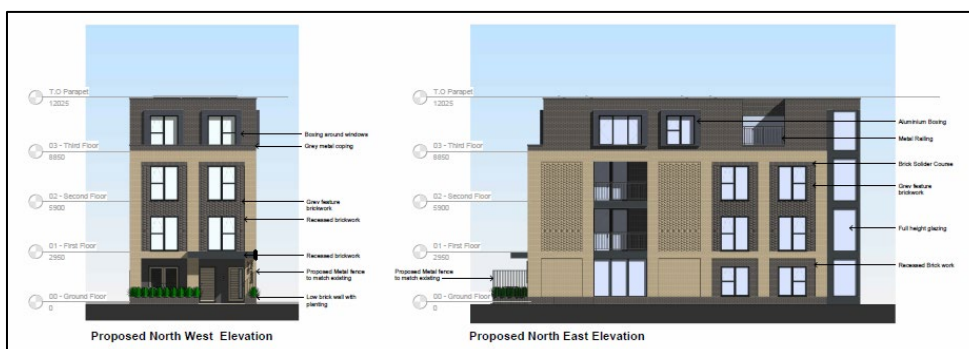


Figure 2. As proposed under application 2022/4293/P



Figure 3. As proposed under current application.



1.11 By making the above changes, it has been possible to provide additional planting and soft landscaping to the front entrance, and the cycle and bin stores have been reduced in size. The ground floor unit now also benefits from level access and will comply with Building Regulation M4(3) on accessibility requirements. The remaining units, being above ground floor level, have been designed to meet Building Regulation M4(2).



Figure 4. Fully accessible ground floor level

1.12 As with the previous application, the proposal has been designed as a car free development. Secure cycle parking is to be provided at ground floor level, within an enclosed bike store for residents and visitor cycle parking is to be provided ear to the building entrance.



2 PLANNING ASSESSMENT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2.2 For the purposes of this application, we have referred to the following Development Plan documents:

- Camden Local Plan 2017
- Policies Map
- Kentish Town Neighbourhood Plan
- The London Plan 2021

2.3 The Council is currently preparing a new Local Plan. However, as it is only at the consultation stage (Regulation 18) it has very limited weight in planning decisions.

2.4 Regard is given to the National Planning Policy Framework (NPPF), which sets out the Government's planning policy aims and objectives. It sits outside of the statutory development plan but is a material planning consideration in the determination of planning applications.

PROVISION OF NEW HOMES – CHARACTER AND APPEARANCE

2.5 A fundamental aim of the NPPF is to support the Government's agenda of significantly boosting the supply of homes which is carried over into the Camden Local Plan, which under Policy H1 seeks to exceed its target for additional homes. The provision of new homes is therefore important in meeting the Local Plan objectives, particularly, as it was demonstrated at appeal¹ in September 2023 that the Council only has a four year Housing Land Supply (HLS).

¹ Appeal Ref: APP/X5210/W/23/3324552 - 264 Belsize Road, Camden, London NW6 4BT



- 2.6 The NPPF and London Plan (Policy GG2) also encourages effective use of land. Indeed, the NPPF states that planning policies and decisions should “*give **substantial weight** to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land*”.
- 2.7 It also states that planning policies and decisions “*should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)*”.
- 2.8 In the consideration of the previous application, no objection was raised in respect of the principle of redeveloping the site. However, in having regard to the Council’s policies on design and heritage, the following reason for refusal was given:

“The proposed development, by reason of its combined height, mass and extent of site coverage, and its detailed design would fail to respect the context and character of the area, including the adjacent Camden Square Conservation Area and it would harm the setting, character, landscape value and openness of the adjacent open space and trees of Canteloves Gardens”

- 2.9 This reason was subsequently considered by the Inspector as part of the planning appeal. They found that:

“The proposed development would be comparable in height to other buildings on this side of Camden Road and would not be taller than the eaves of the villas opposite. However, it would occupy the full width of its narrow plot with limited set back from the road and little in the way of planting unlike most nearby development on this road. The rectangular form and flat roof design is contemporary and could utilise quality materials with decorative brick detailing. However, the



development would be isolated from buildings of a similar height on this side of the road and so would appear bulky, incongruous and overly dominant in the street scene.”

- 2.10 They go to conclude that the proposal would therefore result in harm to the character and appearance of the area including Cantelowes Gardens. Even so, they also made clear that the degree of harm would “only be minor in magnitude”. In this context, a clear concern of the Inspector was the height of the building and as such this has been addressed through the redesign. The new proposal would stand at three storeys, which therefore sits lower in the streetscene and although taller than the retained car sales building, which is not typical, with many of the buildings having a greater height. From the main street view, the building would not appear out of ordinary.



Figure 5. CGI image from Camden Road perspective

- 2.11 Facing North East, the building would be masked by the building(s) in the foreground and will be significantly lower than the properties on the opposite side of Camden Road, so again would not stand out in any extraordinary fashion. In short, it would be entirely in keeping with the scale and visual qualities of the street.



Figure 6 – Cross section of proposed streetscene

- 2.12 From the perspective of neighbouring Canteloves Gardens, the new building would be situated just beyond the southern corner of the park and whilst it would be visible, that does not mean that it would be harmful. Indeed, buildings of various scales are already found around the edges of the park, which itself is demarked by exercise areas and games pitches that are enclosed by high fencing.



Figure 7 – CGI image from Canteloves Gardens

- 2.13 Furthermore, the site as it stands is visually poor and so makes no meaningful contribution to achieving a high quality place.



- 2.14 In determining suitable design for development proposals, Local Plan Policy D1 seeks to secure high quality design. However, in doing so it does not require proposals that match what is around it, but rather allows development that ‘respects’ local context and character and comprises details and materials that are of high quality and ‘complement’.
- 2.15 To that end, the Council had expressed concerns about the level of glazing and material selection. Even so, the Inspector found the detailed design to be in keeping. Concerns had also been raised in regard to possible shadowing over adjacent Canteloves Gardens. Again, this was not considered to be an issue by the Inspector. The reduction in height of the building will mean that it has even less potential to cause unacceptable harm in this respect. The reduction in height of the building also means that the building will have less of a presence in the streetscape and as viewed from the adjacent park.
- 2.16 In respect of the adjacent Camden Square Conservation Area, Local Plan Policy D2 requires development that preserves, or where possible, enhances the character of the area. The NPPF provides further guidance and states that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
- 2.17 Applied to this case, there would be no direct change to the Conservation Area because the main interaction is with its setting, which is seen in the context of the villas on the South side of Camden Road. In assessing the previous application, the Inspector concluded that there would be minor harm to the Conservation Area.
- 2.18 In considering the revised proposal the applied changes would have a significant impact on how the development is perceived. The reduction in height in particular will mean that it will sit lower in the streetscape, and significantly below the heights of the villas and at a level that is seen against the backdrop of the existing buildings and trees as you look up and down Camden Road.



- 2.19 Consequently, the setting of the Conservation Area would be preserved, if not enhanced, by the loss of the existing and visually poor area of hardstanding which is being replaced by as scheme of high quality design that adds to sense of place.

AFFORDABLE HOUSING

- 2.20 Local Plan Policy H4 aims to maximise the supply of affordable housing and states that:

“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.”

- 2.21 For developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, the policy allows for a sliding scale target starting at 2% for one home and increasing by 2% of for each home added to capacity. The policy also confirms that developments with capacity for fewer than 10 additional dwellings, a payment-in-lieu of affordable housing will be accepted. The appropriate amount will be secured by a legal undertaking.

QUALITY OF PROPOSED ACCOMMODATION

- 2.22 Policy D6 of the London Plan states that housing development should be of high quality design and provide adequately sized rooms in accordance with minimum space standards set out in its table 3.1 (repeated below) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners.



Table 3.1 - Minimum internal space standards for new dwellings[^]

Type of dwelling		Minimum gross internal floor areas* and storage (square metres)			
Number of bedrooms (b)	Number of bed spaces (persons)(p)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *	N/A	N/A	1
	2p	50	58	N/A	1.5
2b	3p	61	70	N/A	2
	4p	70	79	N/A	2
3b	4p	74	84	90	2.5
	5p	86	93	99	2.5
	6p	95	102	108	2.5
4b	5p	90	97	103	3
	6p	99	106	112	3
	7p	108	115	121	3
	8p	117	124	130	3
5b	6p	103	110	116	3.5
	7p	112	119	125	3.5
	8p	121	128	134	3.5
6b	7p	116	123	129	4
	8p	125	132	138	4

Notes to Table 3.1

Key

b: bedrooms

p: persons

[^] New dwelling in this context includes new build, conversions and change of use.

* Where a studio / one single bedroom one person dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39 sq.m. to 37 sq.m., as shown bracketed.

2.23 The ability to meet the required space standards formed one of the reasons for refusal on the previous application. However, this element was subsequently overturned by the Inspector in the consideration of the appeal. Notwithstanding, the amended proposal proposed the following internal floor areas (GIA):

- Unit 1 – 1 bedroom, 2 person flat with an internal floor area of 55sqm
- Unit 2 – 1 bed, one person studio with an internal floor area of 40.77sqm
- Unit 3 – 1 bedroom, 2 person flat with an internal floor area of 55.2sqm
- Unit 4 - 1 bed, one person studio with an internal floor area of 40.7sqm
- Unit 5 – 1 bedroom, 2 person flat with an internal floor area of 54.9sqm

2.24 All of the units therefore exceed the required internal space standards.



- 2.25 In addition to the above, concerns were raised about the studio units at the front of the building not being dual aspect. The proposed development has been amended to fulfil this requirement.
- 2.26 Policy C6 also requires that buildings be of accessible and inclusive design so they can be used safely, easily and with dignity by all. This requirement is supplemented by Policy H6 which requires 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2) and 10% to be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3). Neighbourhood Plan Policy D3 requires proposals to enhance accessibility in buildings.
- 2.27 In compliance with the above, the ground floor unit has been designed to be M4(3) compliant with level access. All remaining units are designed to be M4(2) compliant and therefore meet with the policy objectives.
- 2.28 A Noise and Vibration Assessment was also undertaken to understand the local noise levels and the likely effect on the proposed development. This found that noise levels associated with operations in the vehicle servicing building (e.g. wheel gun, angle grinder, car horn, air wrench) and the skate-park would exceed ambient levels and would have the potential for causing noise nuisance.
- 2.29 However, it also demonstrates that mitigation in the form of appropriately specified external building fabric elements would allow appropriate internal noise levels to be achieved. This was previously accepted by the Council who found that noise levels can be mitigated and as such, would not be disruptive.

AIR QUALITY

- 2.30 The Council's Delegated Report for the previous proposal identified that the London Atmospheric Emissions Inventory (LAEI) 2019 shows that the site is in an area of very poor air quality, raising concerns that the proposal is for a sensitive use, and that exposure to pollution would be harmful to the living conditions of future occupiers.



- 2.31 To alleviate the Council's concerns, an Air Quality Assessment was prepared by Ardent Consulting Engineers. This was considered by the Inspector in their determination of the appeal.
- 2.32 For NO₂ concentrations, the assessment demonstrates that measured levels have been in decline with the most recent measurements for 2021 showing levels below the 40µg/m³ objective. The assessment also finds that predicted background PM₁₀ and PM_{2.5} concentrations are well below the relevant objectives.
- 2.33 The overall conclusion of the assessment finds that *"The development is considered to be better than 'air quality neutral' in terms of both building and transport emissions"* and *"there are no air quality constraints to the proposed development which is in accordance with regional and national policy and guidance"*.
- 2.34 Even so, and although made clear that it is not directly required, it is recommended that an Air Quality and Dust Management Plan (AQDMP) should be submitted to LBC prior to works commencing on the Site as a best-practice measure. It is considered appropriate for this to be secured by condition.
- 2.35 Accordingly, it has been demonstrated that the proposed development meets the objectives of Local Plan. This position was accepted by the Inspector in their assessment of the Appeal.

CONTAMINATION

- 2.36 In addition to the above, a Ground Conditions Desk Top Survey has been undertaken to look at land contamination risks. This found that the site has a potentially contaminative history, in view of its development as a petrol station with underground petrol and diesel storage tanks from 1992 to 2010. The petrol station has since been demolished; however the underground fuel tanks remain beneath the site and are understood to have been decommissioned or foam filled.



- 2.37 On the basis of the findings of the research carried out, the report found that there is a MODERATE / LOW risk of there being significant contamination linkage at this site, and remedial works may be required in the vicinity of the underground tanks. It therefore recommends that supplementary ground investigation should be conducted, which can be undertaken prior to development commencing.
- 2.38 The Council previously accepted the findings of the report and concluded that the intrusive investigations, remediation statement and verification report will be required prior to the commencement of development, secured by way of planning conditions(s).

TREES

- 2.39 Local Plan policy A3 states that the Council will protect trees and vegetation. As part of the application an Arboriculture Impact Assessment has been provided. This confirms that there are 5 trees on adjoining land (outside of the application site) that are close enough to the development to be assessed. All were judged as being either moderate or low quality. It also concludes that no trees would need to be felled.
- 2.40 The nearest tree, a Swedish Whitebeam, would need to be pruned. However, this is not a species known for prolific regrowth and so the pruning operation is unlikely to need to be repeated so regularly as to become onerous. The assessment therefore found this secondary impact to be minimal. The Council previously accepted the findings of the assessment, with no objection raised by the Tree Officer.

TRANSPORT AND HIGHWAY IMPLICATIONS

- 2.41 Local Plan Policy T1 states that the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough and Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free.



- 2.42 Cycle standards are set out within the London Plan and require 1 space per studio flat, 1.5 spaces per 1 bedroom 2 person flat and 2 spaces per 2 bedroom flat and above. For the proposed development, which comprises of two studio flats and three 1 bed 2 person flats would require 6.5 spaces would need to be provided. In fact 6 plus 2 visitor spaces are proposed at ground floor level.
- 2.43 No car parking provision is made as the scheme is car free, as per the aims of Policy T2. Under the previous application it was advised that the proposal would need to be secured as on-street resident parking permit (car) free by means of the Section 106 Agreement. This will prevent the future occupants from adding to existing on street parking pressures. This is agreeable to the Applicant.
- 2.44 As the proposed development occupy the car park to the adjoining vehicle maintenance centre, an operational statement is provided to demonstrate that the business can continue to function following the development. This was previously accepted by the Council.



3 CONCLUSION

- 3.1 In the context of seeking to boost the supply of new homes, with the Council currently unable to fulfil a five year supply of housing, the proposal would make a small but nevertheless valuable contribution to meeting housing needs. This therefore weighs in favour of the proposal. In addition, the development would deliver these new homes on brownfield land, which the NPPF gives substantial weight to.
- 3.2 Changes to the proposal, which include a significant reduction to its height and changes to the improve living conditions for the occupants, and that allow for greater accessibility and inclusivity, are all positive steps that address the Council's previous reasons for refusal.
- 3.3 The revised proposal would not be out of keeping with the character or appearance of the area and would preserve, if not enhance, the setting of the adjacent Conservation Area. Indeed, the proposal represents high quality design that compliments to local area.
- 3.4 The proposal will also contribute to affordable housing provision in the form of a financial contribution, to be secured by a s106 legal undertaking, details of which are to be agreed as part of the application process. This is a further public benefit that weighs in favour of the proposal.
- 3.5 It has been demonstrated through accompanying technical assessments that the proposal will not give rise to non-mitigatable impacts on noise, air quality, or contamination. Where necessary, appropriate mitigation can be agreed and secured by condition, to be discussed as part of the application process.
- 3.6 No trees would be felled as a result of the proposal, and on matters relating to parking and highway considerations, no harm will result. Indeed, in line with the Council's Local Plan policy, the proposal will be car free, which will be ensured through the s106 legal undertaking.



3.7 Overall the proposed development would accord with the aims of the Development Plan and NPPF. It will also result in public benefits that add further weight to its acceptability in planning terms. In conclusion, planning permission should be granted.



APPENDIX 1 – APPEAL DECISION



Appeal Decision

Site visit made on 15 December 2023

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 January 2024

Appeal Ref: APP/X5210/W/23/3323840

139-147 Camden Road NW1 9HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Vijay Pindoria against the decision of the Council of the London Borough of Camden.
 - The application Ref 2022/4293/P, dated 4 October 2022, was refused by notice dated 6 March 2023.
 - The development proposed is the erection of a 4 storey block of flats with ground floor bin and bicycle stores and front paving and planting.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the decision notice and appeal form as it provides more detail than the application form description.
3. The planning application was refused for 8 reasons. The Council indicated that reasons for refusal 4-8 could be addressed via a Section 106 legal agreement (S106). A completed and executed S106 dated 24 November 2023 has been provided by the appellant. The Council has not commented on the final S106 but given my overall decision it has not been necessary to consider it except where it would deliver any potential benefits.
4. An air quality assessment (AQA) dated June 2023 was provided with the appellant's initial appeal documents. Following my request, the Council provided comments on the AQA in an email dated 28 November 2023. The appellant was afforded the opportunity to respond to the Council's comments.
5. The appellant submitted two amended plans with the appeal to show the studio flats on the first and second floors as having only single beds rather than double beds. As these amendments are entirely internal changes, I do not consider that anyone would be prejudiced by them. Therefore, I have taken the amended plans into account.
6. The National Planning Policy Framework (NPPF) has been updated twice since the Council made its decision. The latest version is dated 19 December 2023. The main parties have been given the opportunity to comment on this version and I have taken any responses into account.

Main Issues

7. The main issues are the effect of the proposed development on:

- (a) the character and appearance of the area, including Camden Square Conservation Area and Canteloves Gardens;
- (b) the living conditions of future occupiers with regard to access and the size and layout of units; and
- (c) air quality.

Reasons

Character and appearance

8. Camden Road is a long straight road that forms part of the A503 heading north-east from Camden Town. It is lined with buildings on both sides for much of the section between St Pancras Way and Camden Park Road. Buildings typically range from 2 storey residential properties to 3-5 storey modern blocks, with some taller buildings nearer St Pancras Way. Most of the buildings are set back from the road by mature trees and front gardens. There is more architectural variety on the north-west side of the road, whereas the south-east side has greater consistency with Victorian villas forming the edge of Camden Square Conservation Area.
9. There is a notable gap in the otherwise broadly consistent townscape of this section of Camden Road. The public open space known as Canteloves Gardens occupies a large area on the north-west side of the road adjacent to the appeal site and the railway line from St Pancras. Trees front the road along with a skatepark and multi-use games area. The gardens are enclosed on the north-west and north-east boundaries by residential terraces that are 3 storeys tall.
10. The conservation area is large and incorporates several residential streets of 19th century properties with 20th and 21st century infill development following changes such as wartime damage. Its character and appearance is greatly influenced by its architectural and historic interest as a planned suburban development that has evolved over time.
11. The focal point of the conservation area is the rectangular Camden Square, but the villas along Camden Road form a strong boundary and contrast with the more mixed development on the other side of the road. The properties nearest to the appeal site are grand 3 storey villas with semi-basements that elevate the ground floor above the road. The setting of this part of the conservation area is influenced by the open space of Canteloves Gardens and the distinctive break in the townscape which make a positive contribution to the significance of the conservation area and its character and appearance.
12. The appeal site comprises an area of surface car park to the side of a single storey motor service centre that fronts directly onto Camden Road. The site is a narrow rectangular plot that tapers to the rear. Canteloves Gardens lies immediately to the north with an orchard and 5 mature whitebeam trees next to the road, while the railway line is immediately to the west. The nearest whitebeam tree partly overhangs the site boundary.
13. The site, with its hardstanding, parked vehicles, and metal fence and gates along the front boundary, is visually poor. Nevertheless, its undeveloped state means that it forms part of the gap in the townscape and so contributes positively to the open setting of the conservation area and Canteloves Gardens in this location as well as the overall character and appearance of the area.

14. The proposed development would be comparable in height to other buildings on this side of Camden Road and would not be taller than the eaves of the villas opposite. However, it would occupy the full width of its narrow plot with limited set back from the road and little in the way of planting unlike most nearby development on this road. The rectangular form and flat roof design is contemporary and could utilise quality materials with decorative brick detailing. However, the development would be isolated from buildings of a similar height on this side of the road and so would appear bulky, incongruous and overly dominant in the street scene.
15. While the development would not hugely overshadow Canteloves Gardens and its plants and recreation spaces, it would significantly enclose the open setting along this boundary due to its height and extent of site coverage with no set back at the sides. The fact that buildings enclose other boundaries of the gardens does not justify the erosion of the more open setting on this side. The development would also be located right next to the 5 mature trees and although no arboricultural objection has been raised by the Council, works to the nearest tree would affect its shape and symmetry.
16. The lack of an active ground floor frontage due to the enclosed entrances to the bike and bike stores as well as the flats is fairly typical of other buildings along Camden Road given that it is a predominantly residential area. The full height windows are a contemporary take on the tall windows found at the villas opposite and some of the more modern developments nearby and so would not be particularly out of keeping for the area. However, while the detailed design of the development would be acceptable, its overall scale, location and site coverage would result in significant harm to the character and appearance of the area including Canteloves Gardens.
17. The open setting to the conservation area would be partly eroded, resulting in less than substantial harm to its significance. While the harm would only be minor in magnitude, considering the overall size of the conservation area, NPPF paragraph 205 requires great weight to be given to the conservation of designated heritage assets irrespective of the level of harm. NPPF paragraph 206 requires clear and convincing justification for any harm, and NPPF paragraph 208 advises that less than substantial harm should be weighed against the public benefits of the proposal. This exercise is carried out below as part of the planning balance.
18. Concluding on this main issue, the proposed development would harm the character and appearance of the area, including Camden Square Conservation Area and Canteloves Gardens. Therefore, it would conflict with Policies A2, A3, D1 and D2 of the Camden Local Plan 2017 (LP) which seek, amongst other things, development that respects local context and character, preserves heritage assets, protects trees, and avoids harm to the setting of designated open spaces or the character or appearance of conservation areas from development outside of such locations.
19. The development would also conflict with Policies D3, GO1 and SSP7 of the Kentish Town Neighbourhood Plan 2016 (NP) which, amongst other things, require proposals to be well integrated into their surroundings and reinforce and enhance local character, as well as protect local green spaces and ensure a high quality design approach for small sites.

20. The Council also cites conflict with LP Policy A3 which requires the protection and enhancement of biodiversity including trees. However, in the absence of a specific arboricultural objection or details regarding the effect of the development on the adjacent trees, I have not found conflict with this policy.

Living conditions of future occupiers

21. The second reason for refusal refers to the size of the units, the configuration of the front units, and the absence of a lift. Taking each in turn, apart from the third floor flat, the parties dispute whether the proposed units would meet the minimum internal space standards set out in the Nationally Described Space Standards (NDSS). The difference between the parties is marginal and appears to be based on how the area at the front doors is measured. Even on the Council's figures, the units would only be below the minimum standards by 0.3 to 0.7 square metres. Therefore, I consider that the internal spaces would be sufficient and are acceptable in this instance.
22. Turning to the next matter, the Council's delegated report raises concerns about the single aspect nature of the studio units at the front of the building and the lack of windows for the kitchen area. The supporting text to LP Policy D1 states that residential development in new build and change of use should be dual aspect except in exceptional circumstances. There is no apparent reason why the studio flats could not be dual aspect, for example by having a window on the side elevation where the kitchen area is located. Therefore, the configuration would not provide satisfactory accommodation.
23. Finally, with regards to lift access, LP Policy C6 expects all buildings to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all. LP Policy D1 seeks development that is inclusive and accessible for all. LP Policy H6 requires 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2) and 10% to be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3). NP Policy D3 requires proposals to enhance accessibility in buildings.
24. There would be step free access from the street to the ground floor, but no lift access to the upper floors. This would mean 5 out of the 6 dwellings would not be accessible as required by LP Policy H6 in particular. Although there is no space to accommodate a lift, this is based on the proposed layout. It has not been demonstrated that it is not practical or viable to include a lift within the building footprint. Therefore, the development would not be sufficiently accessible as required by the above LP policies.
25. Concluding on this main issue, while the size of the internal spaces would be sufficient, it has not been demonstrated that the proposed development would provide satisfactory living conditions for future occupiers with regards to access and the layout of units. Therefore, it would conflict with LP Policies D1, H6 and C6 and NP Policy D3. It would also not accord with NPPF paragraph 135 which seeks a high standard of amenity for existing and future users of places.

Air quality

26. According to the Council, the London Atmospheric Emissions Inventory 2019 indicates that the site is within an area of very poor air quality with annual mean concentrations of nitrogen dioxide (NO₂) above the national objective of

40µg/m³. Conversely, the nearest monitoring location on Camden Road several hundred metres to the south-west recorded annual mean NO₂ concentrations of 37µg/m³ in 2021. While there were fewer vehicles on the roads in 2020-2021 due to the national Covid-19 lockdowns, the 2021 figure is part of a general improvement in concentration levels since 2016 when Camden Road levels stood at 62µg/m³.

27. The AQA predicts that the annual mean concentration of NO₂ within the proposed development in 2021 will be between 29µg/m³ and 33µg/m³. This seems odd given that the nearest monitoring location recorded 37µg/m³ in 2021. However, the recorded and predicted figures both indicate levels below the national objective for NO₂. Based on these figures, it is not necessary for the proposed development to provide air quality mitigation for future residents
28. The adjoining railway line is within 30m of the site and appears to be used by diesel trains. However, the appellant notes that this line is not subject to a heavy traffic of such trains which means that there is no risk of exceeding the national objective in terms of annual mean NO₂ concentrations. Thus, it has not been demonstrated that the AQA should assess the effects of the railway line as part of its overall modelling.
29. Effects relating to the construction phase regarding dust can be addressed via a condition requiring mitigation measures to be implemented. The increase in vehicles at the construction and operation phases of development is unlikely to be significant having regard to the relatively small size of the scheme and its effect on existing residents and wildlife. Building and transport emissions relating to the development can be secured as air quality neutral through appropriate heating systems and car-free measures.
30. In conclusion, based on the evidence before me, there would be an acceptable effect on air quality as a result of the proposed development. Therefore, the development would accord with LP Policies A1 and CC4. Amongst other things, Policy A1 seeks to protect the amenities of occupiers and neighbours having regard to factors such as odour, fumes and dust. Policy CC4 seeks to ensure that the impact of development on air quality is mitigated and exposure to poor air quality is reduced, noting that where an AQA shows that a development would cause harm to air quality or where housing is introduced in locations of poor air quality, mitigation measures will be necessary. The reason for refusal cites conflict with LP Policy H6, but this concerns housing choice and mix and so does not appear relevant to this main issue.

Planning balance

31. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. Consequently, NPPF paragraph 11(d) is engaged which states that where the policies which are most important for determining the application are out of date, planning permission should be granted unless one of two exceptions apply. The first exception in NPPF paragraph 11(d)(i) states the application of NPPF policies that protect areas or assets of particular importance (such as designated heritage assets) provides a clear reason for refusing the proposal. The second exception in NPPF paragraph 11(d)(ii) states that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

32. Dealing with the benefits, the proposed development would provide 6 additional dwellings to the local supply. Whilst not a significant number, this nevertheless carries moderate weight based on the lack of a 5 year supply. The development would also make a moderate financial contribution towards the provision of affordable housing via the S106. The use of a small area of previously developed land that is currently only used for the parking of a handful of vehicles also carries moderate weight as a benefit. The above benefits can be regarded as public benefits for the purpose of NPPF paragraph 208. They individually and cumulatively carry moderate weight in favour of the proposal.
33. Starting with the heritage balance, the proposed development would result in minor less than substantial harm to the significance of the conservation area. While great weight should be given to the conservation of designated heritage assets, the heritage balance indicates that the public benefits would outweigh the harm in this instance. Thus, there would be no conflict with NPPF paragraphs 205, 206 or 208 and the first exception in NPPF paragraph 11(d)(i) would not apply.
34. Turning to the overall planning balance, the proposed development would cause significant harm to the character and appearance of the area including Canteloves Gardens and minor harm to the conservation area. It has also not been demonstrated that the proposed development would provide satisfactory living conditions for future occupiers with regard to access and the layout of units. Therefore, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. In conclusion, the proposed development would be contrary to the development plan with no material considerations to indicate that planning permission should be granted.

Other Matters

35. Interested parties have raised concerns with several other matters. However, based on the overall planning balance, it has not been necessary to consider these in any detail.

Conclusion

36. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR