

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		15/02/2024	
		N/A		<b>Consultation Expiry Date:</b>		25/02/2024	
<b>Officer</b>				<b>Application Number(s)</b>			
Lauren Ford				2023/5415/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Sonny Heights East, Unit 1 3 Swain's Lane London N6 6QX				See draft decision notice.			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Single storey side extension to shop at ground floor level.							
<b>Recommendation(s):</b>		Refuse planning permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>	No. notified	00	No. of responses	02	No. of objections	02	
<b>Summary of consultation responses:</b>	<p>Site notices were displayed on 31/01/2024 and expired on 24/02/2024.</p> <p>An advert was displayed in the local press on 01/02/2024 and expired on 25/02/2024.</p> <p>Two letters of objection were received on behalf of neighbouring occupiers. These can be summarised as follows:</p> <ul style="list-style-type: none"> <li>The development occupies an important site within Swains Lane. Much work between NHP, Camden Council and local residents groups went into this development. Particular attention was given to the symmetry of the east and west blocks and environmental aspects. Drawing E104 of 2018/5230/P shows an environmental space between the two buildings. This was to provide a view through the historic space of foliage and the spire of St Anne's Church and to maintain the harmony between the buildings.</li> </ul>						

	<ul style="list-style-type: none"> <li>• Contrary to the Dartmouth Park Conservation Area Appraisal and Management Statement which notes the importance of maintaining historic gaps between buildings as established feature of relief.</li> <li>• Proposal would destroy the important environmental space, contrary to the application that states there would be no loss of garden/trees or open space.</li> <li>• Gap provides pleasing space for shoppers and was a requirement of original application.</li> <li>• Precedent effects.</li> </ul> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> <li>• <i>The original application(s) are discussed in section 3 below, design and heritage are discussed in section 4, biodiversity is discussed in section 5 and open space is discussed in section 6.</i></li> </ul>
<b>Dartmouth Park CAAC</b>	<p>The Dartmouth Park Conservation Area Advisory Committee have objected to the proposal, which can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Drawing E104 of application referenced 2018/5230/P illustrated how the space that is the subject of this application was designed to provide an external seating area with a tree planting space and planting beds along the rear wall.</li> <li>• DPCAAMS emphasised the importance of maintaining historic gaps between buildings that represent an important established feature of relief. This space should be retained to provide the historic view through foliage to the spire of St Anne's church and to maintain the relationship between the two buildings.</li> <li>• This area serves an important visual and environmental break between two buildings.</li> <li>• The proposal disrupts the symmetry of the space, leaving an unattractive and unbalanced slot of public space and a visual protrusion on the side of the existing building.</li> <li>• Planting scheme would be built over.</li> <li>• Visual integrity of the three storey host building would be compromised.</li> <li>• Conflicts with CLP Policy D1, D2 and DPNF policies DC1, DC2 and DC3.</li> <li>• Proposal would introduce harm and discord to this small shopping parade and would neither enhance or preserve the character and appearance of the DPCA.</li> </ul> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> <li>• <i>The original application(s) are discussed in section 3 below, design and heritage are discussed in section 4, biodiversity is discussed in section 5 and open space is discussed in section 6.</i></li> </ul>
<b>Dartmouth Park Neighbourhood Forum</b>	<p>The Dartmouth Park Neighbourhood Forum have objected to the proposal, which can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• The modification of the original design (that comprised a single 4-storey building across the whole site) into two distinct buildings was a key feature of the final approved plan. The space between the two buildings, enabled the attractive view from the street of St Anne's church spire, framed by the symmetrical design of the buildings. It also</li> </ul>

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|  | <p>enabled the provision of the public amenity space set back from the pavement, intended to provide a seating area flanked by planting.</p> <ul style="list-style-type: none"> <li>• Proposal would halve the amenity space and detract from its utility as a place to rest while shopping. The building would partially obstruct the view from the street and destroy the framing of that view.</li> <li>• Precedent effects if approved (Superette to build a matching extension, thereby eliminating the design concept of providing two distinct buildings).</li> </ul> |
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Officer response:

- *The original application(s) are discussed in section 3 below, design and heritage are discussed in section 4, biodiversity is discussed in section 5 and open space is discussed in section 6.*

## Site Description

The application site comprises a three storied building located on the northern side of Swain's Lane. Fam Green Grocery Market operates from the ground floor unit of the site. This area of Swain's Lane comprises a number of shops etc at ground floor level.

A paved pedestrian area of open space comprising planting, seating etc adjoins the subject building directly to the west, providing an area of separation between the application site and 5 Swain's Lane.

The site is within the Dartmouth Park Conservation Area and no listed buildings are affected. St Anne's Church (Grade II listed), is located to the north west of the site.

## Relevant History

Relevant planning records at the application site:

**2013/6674/P** - Erection of a part 2 / part 3 storey (above part basement level) building comprising 5 retail units (Classes A1/A2/A3) and 7 residential units (Class C3) on upper floors; and a 3 storey building comprising 3 retail units (Classes A1/A2/A3) and 5 residential units (Class C3) on upper floors; with associated car parking, landscaping and works to the public realm (following the demolition of existing buildings). **Granted subject to a Section 106 legal agreement, 26/02/2015.**

**2018/5230/P** - Details of metal railings, sample panel (mortar), bike store and bin store to discharge conditions 2(b) (railings), 2(g) (sample panel), 20 (cycle parking) and 21 (waste storage) of planning permission ref 2013/6674/P dated 06/08/2014 (as varied by 2016/6010/P, 2017/0529/P and 2017/6643/P) for: the erection of two part 2/part 3 storey mixed use buildings. **Granted 02/05/2019.**

Neighbouring sites:

None.

## Relevant policies

## **National Planning Policy Framework (2023)**

## **London Plan (2021)**

## **Camden Local Plan (2017)**

Policy A1 – Managing the impact of development

Policy A2 – Open Spaces

Policy A3 – Biodiversity

Policy D1 – Design

Policy D2 – Heritage

## **Dartmouth Park Conservation Area Appraisal and Management Statement (CAAMS) (2009)**

## **Dartmouth Park Neighbourhood Plan (2020)**

## **Camden Supplementary Planning Guidance (2021)**

CGP - Design

CPG - Amenity

CPG – Trees

## **Assessment**

### **1. Proposal**

- 1.1 Planning permission is sought for the erection of a single storied side/front extension fronting Swain's Lane at ground floor level. The extension would occupy an area of existing open space provided between the application site and 5 Swain's Lane. The extension would be a metal framed structure with timber cladding and glass panels, painted to match the existing building.
- 1.2 Revised drawings were provided whereby the height of the extension has been reduced, and changes to the materials made. The revised proposal has a height of 2.5m.

## 2. Considerations

2.1 Key planning issues to be considered are as follows:

- Land use
- Design and Heritage
- Biodiversity
- Open Space
- Neighbouring Amenity

## 3. Background

3.1 As detailed above, the proposal includes an extension to be located within an existing pedestrian space that provides a gap between the buildings located at the application site and 5 Swain's Lane to the west. This area comprises a paved area, seating, and planting to the rear.

3.2 This area was a requirement of 2013/6674/P and the relevant drawings for this area were approved through 2018/5230/P (see Figure 1 below).

3.3 Some relevant points from the committee report for 2013/6674/P are included as follows:

- *The part two storey element on building A (western block) will still allow the upper parts of the tree canopies to be clearly visible above and the gap between the two blocks will allow views through the site to St Anne's Church. Foreground trees would still remain visible above the proposed development.*
- *The quality of the public realm and particularly the pedestrian spaces can make an important contribution to the vitality of town centres, and could help support higher levels of, and more appropriate, investment in the commercial part of Dartmouth Park Conservation Area. The Council will seek to ensure that any ongoing investment in the public realm in the conservation area respects and enhances its special character and will look for opportunities to make specific appropriate enhancements to the public realm, and particularly to the pedestrian environment as one way of supporting the preservation of the area's distinctive character. That distinctive character will not be preserved or enhanced by standardised poor quality approaches to property maintenance or operation.*

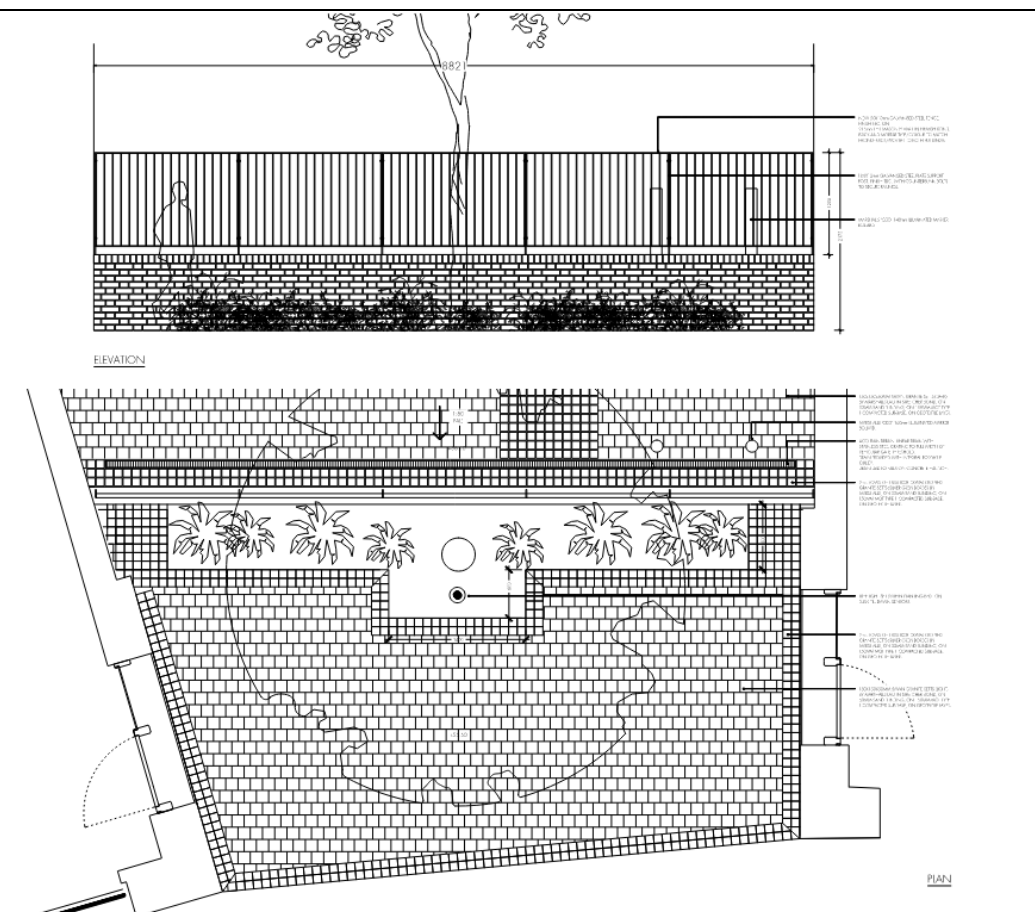


Figure 1: Drawing E104 of 2018/5230/P (External Works, External Area Between Buildings)

#### 4. Land Use

4.1 There are no objections in principle to the extension to the shop in land use terms.

#### 5. Design and Heritage

5.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

5.2 The Dartmouth Park CAAMS states the following with respect to development in gap sites:

- *Gaps between buildings represent an important established feature of relief in an otherwise densely development environment... The Council will resist development in these areas.*

5.3 The value of views in this area are referred to in the Dartmouth Park CAAMS, and general views northwards from Highgate Road of the Church are noted as being of particular value: *The junction of Swains Lane, Highgate Road and Highgate West Hill is an important landmark in the area. The views along Highgate Road to the shopping frontage, the views along Swains Lane, the vista northwards towards St. Anne's Church and its attractive broach spire (visible over the single-storey shops in Swains Lane), meet at this point.*

- 5.4 The proposed ground floor extension would infill between the two buildings (the application site and 5 Swain's Lane). The proposal would block the view through the Grade II Listed St Anne's Church from the public realm when approaching along the northern footpath. The allowance for, and maintaining this gap and view was highlighted in the committee report for the original application (2013/6674/P). This previous application provided a development that enhanced the view through to the church by creating a break between buildings, where only the church spire was previously visible. This also allowed for a view of the mature trees, enhancing the verdant character and creating a break in the densely developed urban setting. The current proposal would seek to go back on this enhancing quality for the development to the detriment of the character and appearance of the Dartmouth Park Conservation Area. Further, the Dartmouth Park CAAMS specifically discourages the infilling of gaps between buildings, as proposed through this application.
- 5.5 The proposed extension, due to its location within an existing gap site, would harm the existing character of conservation area, and views to a Grade II listed building. The proposal would fail to preserve the character and appearance of the Dartmouth Park Conservation Area, contrary to policies D1 and D2 of the Camden Local Plan 2017.
- 5.6 Considerable importance and weight have been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

## **6. Biodiversity**

- 6.1 Policy A3 requires trees and vegetation to be protected during the construction phase of development and seeks to resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation.
- 6.2 The proposal would result in an extension occupying a portion of the area of planting identified through Figure 1 above, which was a requirement of, 2013/6674/P and 2018/5230/P. This area of planting is visible from the public realm and contributes to the character and appearance of the conservation area. The proposal would not sufficiently protect trees and vegetation of amenity, and ecological value, contrary to policy A3 of the Local Plan.

## **2. Open Space**

- 2.1 Policy A2 seeks to protect, enhance and improve access to Camden's parks, open spaces and other green infrastructure. This includes protecting non-designated spaces with nature conservation, townscape and amenity value including gardens, and conserving and enhancing the heritage value of designated open spaces and other elements of open space which make a significant contribution to the character and appearance of conservation areas or to the setting of heritage assets.
- 2.2 The importance of this pedestrian space/gap site was highlighted in the committee report for 2013/6674/P (see paragraph 3.3 above). The proposal would occupy a large portion of this area, and would go back on this enhancing quality for the development to the detriment of the character of the surrounding area and conservation area. The proposal is thus inconsistent with policy A2 of the Local Plan.

## **7. Neighbouring Amenity**

- 7.1 Local Plan Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development on their amenity is fully considered. It seeks to ensure that

development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. Relevant to the application are overlooking, privacy, sunlight, daylight, overshadowing and outlook consideration.

- 7.2 Given its nature and location, and the use of the subject unit, and surrounding ground floor units (which are not residential) it is not considered that the proposed extension would result in any unacceptable amenity related effects. The extension would be single storied and setback from other buildings.

### **3. Conclusion and Recommendation**

- 3.1 The proposals would be contrary to the aims and principles of planning applications 2013/6674/P and 2018/5230/P. It is recommended to Refuse planning permission for the following reasons:
- 3.2 The proposed side extension, by virtue of its scale and siting, within a gap and area of open space would result in an addition that would fail to preserve the character and appearance of the Dartmouth Park Conservation area and result in the loss of planting, contrary to policies D1 (Design), D2 (Heritage), A3 (Biodiversity) and A2 (Open Space) of the London Borough of Camden Local Plan 2017 and Dartmouth Park Neighbourhood Plan policies DC1, DC3, CE3 and ES3.