

Application ref: 2021/3920/P
Contact: Enya Fogarty
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Date: 15 May 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 4444

Evelegh Designs
38 Northwood Road
London
N6 5TP

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
89 Leighton Road
London
NW5 2QJ

Proposal:

Change of use of the from retail (Class E) at basement and ground floor level and residential (Class C3) (1 x 2 bedroom maisonette) at upper floors to 1 bedroom 2 person flat at basement level, 1 bedroom x 1 person flat at ground floor level and 3 bedroom 5 persons maisonette at first,second floor and at roof level (Class C3). The construction of a two storey rear extension at basement and ground floor level and the erection of iron railings at first floor level to form a rear terrace. The construction of a mansard roof extension and removal of the shopfront door and replacement with rendered wall and timber windows, the installation of iron railings along the front boundary and the reinstatement of the front lightwell and external alterations.

Drawing Nos: SV 00; SV 01; SV 02; SV 03;GA 03 /B; GA 02/ B; GA 01/ G; Desk Study and Basement Impact Assessment Report prepared by GEA dated April 2022; Basement Impact Assessment Audit prepared by CampbellReith dated July 2023; Letter from estate agents prepared by Capital Homes dated 02/10/2023

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of

three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans;

Location Plan, SV 00; SV 01; SV 02; SV 03; GA 03 /B; GA 02/ B; GA 01/ G; Desk Study and Basement Impact Assessment Report prepared by GEA dated April 2022; Basement Impact Assessment Audit prepared by Campbell Reith dated July 2023; Letter from estate agents prepared by Capital Homes dated 02/10/2023

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 The basement shall be constructed in accordance with the details, recommendations, methodologies and mitigation measures in the Basement Impact Assessment (ref GGC16550/R4 dated April 2022) by GEA .

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the first use of the rear terrace, details of a privacy screen to prevent unacceptable overlooking into neighbouring properties shall be submitted to and approved in writing with the Local Planning Authority. The rear terrace shall not be used or accessed, other than for emergency egress, until the

approved privacy screen has been fully installed and the approved privacy screen shall thereafter be retained for the duration of the development.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the Camden Local Plan 2017.

- 7 Prior to occupation of the development hereby permitted, details of the provision to be made for cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be implemented in full in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.

Reason: To ensure adequate cycle parking is available on site, to promote sustainable modes of transport, and so safeguard the visual amenity of the area in accordance with policies A1 and T1 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission;

The application site has V-shaped valley roof behind a front parapet wall which runs along the terrace. Several of the neighbouring houses in the terrace have mansard roofs. The proposed mansard roof would be sloped at an angle of 70 degrees to the front and rear and it would be set behind the front parapet in accordance with the Camden Planning Guidance. The extension would have 1 window on the front elevation, 2 windows on the rear elevation and 2 windows on the side elevation. The proposed windows would be aluminium and would match the existing windows. The extension would be clad in slate tiles. The materials and design would preserve the appearance of the building, the terrace, the streetscene and the townscape.

The proposed two storey rear extension would be subordinate to the host building. The extension would also allow for the retention of a reasonably sized garden. The size, design and materials are appropriate for the host building. Matching brickwork would be used, so even though the extension would be somewhat visible from the rear of the property, it would not read as an overly dominant or bulky extension in comparison to the existing situation.

The proposal also includes the removal of an existing first floor window and replacing with aluminium French doors which would provide access to the terrace. The terrace would be set in from the side and rear boundary. As a result the size, design, location of terrace including the installation of the French style door is considered to preserve the character and appearance of the host building and the surrounding area.

The installation of timber gates along garden boundary and the rebuilding of the existing wall is considered minor alterations and is acceptable. The refuse would be located behind the timber fence and would therefore not be visible from the streetscene and is considered acceptable.

The original lightwell would be reinstated and traditional black metal railings installed which would match the appearance of those within the terrace. The

removal of the shopfront door and replacement with timber windows are acceptable in terms of material, location and design.

The proposal also includes the change of use from retail at basement and ground floor level to residential use to provide to 1 bedroom 1 person flat, 1 bedroom 2 person flats and a 3 bedroom 5 person flat.

Regarding the loss of the retail unit basement and ground floor level the applicant has submitted marketing evidence starting from July 2021. The evidence provided states that the property was marketed at an appropriate rate and listed via established marketing sites and advertisements. Further, in line with criteria (a) of policy E2, the site's location within an residential building, it is considered that the use of the building basement and ground floor as residential is considered appropriate and acceptable. The site is not located within a primary retail frontage. The Council have reviewed the submitted marketing evidence and are satisfied that the commercial unit has been marketed in line with the requirements of Policy E2 and therefore considered acceptable.

The proposed basement extension is considered to comply with the size limitations and requirements of Policy A5 (Basements). The proposal is supported by a Basement Impact Assessment which has been audited by the Council's third party structural engineers. The audit confirms the excavation would not cause harm to the structural stability of the host and neighbouring buildings, the natural environment and local amenity including the water environment, ground conditions and biodiversity, in line with Policy A5 and CPG Basements.

- 2 The development would involve excavations and work at basement level adjacent to the public highway. The Council has to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed excavations. The applicant would be required to submit an AIP report to our Highways Structures & Bridges Team within Engineering Services as a pre-commencement planning obligation. This is a requirement of British Standard BD2/12. The AIP report would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any mitigation measures which might be required. The AIP report and an associated assessment fee of £1,938.83 would need to be secured via a legal agreement.

The Council In line with Policy H7 the Council will seek to ensure that housing development and the conversion of existing homes contributes to meeting the priorities set out in the Dwelling Size Priorities Table. The current application proposes a 2x 1 bed flat, (lower priority) and a 3 bed flat (high priority) and therefore there is a mix of units which is considered to comply with Policy H7.

Policy H6 of the Local Plan states that the Council will expect all self-contained homes to meet nationally described space standards. The proposed 1 bed 2 person flat would have GIA of 45sqm which falls short of the minimum 50sqm requirement prescribed in the national standards. The proposed 1bed 1 person flat would have a GIA of 39m² which meets the minimum space standard.

The proposed 3 bed 5 person flat at first, second and third floor level would have a GIA of approx. 90 sqm which falls short of the minimum 99sqm requirement prescribed in the national standards. However as the shortfall is minor for the basement floor and the first floor flat, in this instance it is considered acceptable as the layout, the outdoor amenity space and the quality of accommodation is considered an acceptable standard.

It is noted that two of the units would have access to private outdoor amenity space, except the ground floor flat. However, it is considered that the proposed unit would have sufficient floorspace, an adequate layout and acceptable access to natural light and ventilation and as a result would provide an acceptable standard of habitable accommodation.

The proposed extension's size and location will not detrimentally harm the amenity of any adjoining residential occupiers in terms of the loss of natural light, outlook, privacy, light spill or added sense of enclosure.

In terms of the terrace there may be some sort of loss of privacy to the window at first floor level at no. 91 Leighton. Therefore a condition will be attached to submit details of a privacy screen/trellis which would overcome this concern. As a result due to its size and location of the terrace it is considered that it would not harm the amenity of any neighbouring properties by way of overlooking, added sense of enclosure or noise.

Given the location of the mansard roof and the distance between the application site and neighbouring properties, it is not considered that there would be any negative impact on the residential amenity currently enjoyed by neighbouring residents in terms of loss of light, outlook or privacy.

Given the nature of the proposal and the continued residential use, it will not harm the amenity of any adjoining residential occupiers by way of loss of outlook, daylight or privacy.

- 3 All new residential redevelopments, are required to be car-free in accordance with Policy T2 (Parking and car-free development). A legal agreement is therefore required to ensure that future occupiers are prevented from obtaining on-street parking permits.

Furthermore, to comply with the Council's policies for sustainable transport and mitigating against climate change the proposal is required to provide 4 long-stay cycle parking spaces. The proposed cycle storage area would be located to the rear of building which is considered. Further details would be secured via condition.

No objections have been received prior to making this decision. The site's planning history has been taken into account.

As such, the proposed development is in general accordance with policies A1, A4, A5, H4, H6, H7, H10, T2 and D1 of the Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016. The proposed development also accords with policies of the London Plan 2021 and of the National Planning Policy Framework 2023.

- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer