

Delegated Report		Analysis sheet		Expiry Date:		14/02/2024	
		N/A		Consultation Expiry Date:		17/03/2024	
Officer				Application Number			
Sarah White				2023/3169/P			
Application Address				Drawing Numbers			
Boydell Court St John's Wood Park London NW8 6NH				Please refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Signature	
Proposal							
Erection of a new two-storey dwellinghouse and associated works in the northeast corner of Boydell Court Estate.							
Recommendation(s):		Refuse Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	01	No. of objections	00
Summary of consultation responses: <i>(Officers response in italics)</i>		<p>One response was received comprising comments as follows:</p> <ul style="list-style-type: none"> • Whether the proposed housing typology (a three-bedroom dwelling) is appropriate. <i>See paragraph 2.5.</i> • Need to maintain green space. <i>See paragraph 2.6.</i> • The house would be screened from the street via the existing hedge however it would be visible from neighbouring houses. <i>See paragraph 2.23.</i> • Loss of outlook from adjoining residents. <i>See paragraph 2.28.</i> • Concern over allocation of an existing carpark to the new dwelling due to existing on-site parking stress. <i>See paragraph 2.41.</i> 					
Site Description							
The application site is located on the western side of St John's Wood Park at the junction with Adelaide Road. The wider Boydell Court site contains two large 11-storey plus roof space residential blocks, with several lower rise terraces, garages and other hardstand parking areas, and larger areas of soft landscaping. The application relates to a small portion of land in the northeastern corner of the site, which sites above Block D to the west and the south and borders Adelaide Road to the north and St Johns Wood Park to the east. The site is currently occupied by a disused delivery hardstanding area.							

The site is not located within a Conservation Area, nor does it contain any listed buildings. The closest listed building is the Swiss Cottage Regency Lodge which is Grade II listed and is located to the north of the site on the opposite side of Adelaide Road.

The immediately surrounding uses are primarily residential, with several large tower residential block similar to those on the wider application site. To the northwest of the site are the UCL Academy and the Swiss Cottage Leisure Centre.

Relevant History

The wider Boydell Court site has an extensive planning history. Only the most recent and relevant applications have been included below.

2022/4056/P – Erection of a new workshop/office building in northeast corner of Boydell Court Estate. **Granted** on 07/02/2023.

Relevant Policies

National Planning Policy Framework (2023)

London Plan (2021)

Camden Local Plan (2017)

H1 Maximising housing supply
H4 Maximising the supply of affordable housing
H6 Housing choice and mix
H7 Large and small homes
A1 Managing the impact of development
A2 Open space
A4 Noise and vibration
D1 Design
C1 Health and wellbeing
T1 Prioritising walking, cycling and public transport
T2 Parking and car free development
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC4 Air Quality
DM1 Delivery and monitoring

Camden Planning Guidance

CPG Air Quality (2021)
CPG Amenity (2021)
CPG Design (2021)
CPG Energy Efficiency and Adaption (2021)
CPG Housing (2021)
CPG Transport (2021)

Draft Camden Local Plan

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Biodiversity Net Gain

Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because the application was made before 2 April 2024.

Assessment

1. Proposal

- 1.1. The application is for the erection of a new two-storey dwellinghouse in the northeastern corner of Boydell Court Estate, adjacent to an existing 12-storey residential block. The dwelling would comprise a kitchen/living/dining area, toilet, and utility room on the ground floor, with two double bedrooms, one with an ensuite, one single bedroom and a bathroom at first floor level.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:
 - Principle of Development
 - Affordable Housing
 - Design
 - Standard of Accommodation
 - Sustainability
 - Neighbouring Amenity
 - Transport

Principle of Development

- 2.2. Policy H1 outlines that Council will aim to secure a sufficient supply of homes to meet the needs of existing and future householders, and to meet housing supply targets. This policy highlights self-contained housing as the priority-land use of the Local Plan. It seeks to make the best use of sites to deliver housing. Policy H7 identifies three-bedroom dwellings as a high priority need within the borough.
- 2.3. London Plan Policy D3 speaks to the need for all development to make the best use of land by following a design-led approach that optimises the capacity of the site. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. The form and layout of developments should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape, with due regard to existing and emerging street hierarchy, building types, forms, and proportions.
- 2.4. Policy A2 seeks to safeguard open space on housing estates while allowing flexibility for the re-configuration of land uses.
- 2.5. The proposal would provide an additional three-bedroom dwelling which would contribute towards the boroughs housing targets and is a planning merit of the scheme that is given significant weight. However, the proposed location of the dwelling at the front corner of the site, in an existing area of open space is not considered appropriate. As discussed later in the design section of the report, the proposed location of the dwelling would disrupt the established building line along this frontage and would appear inconsistent and out of keeping with the pattern of development in the local area.

- 2.6. A detached dwellinghouse could be more appropriately located elsewhere on the site to make the best use of the land available and optimise the capacity of the site in line with London Plan Policy D3. This means the benefit of housing delivery which has been given significant weight, albeit for only one home, could still be achieved through an alternative location on the site. The current proposal would not result in the most appropriate form and land use for this portion of the site, therefore failing to achieve site optimisation.
- 2.7. As such, the principle of the erection a new dwelling in this location is not supported and would be contrary to London Plan Policy D3. This is therefore a substantive reason for refusal (RfR1).

Affordable Housing

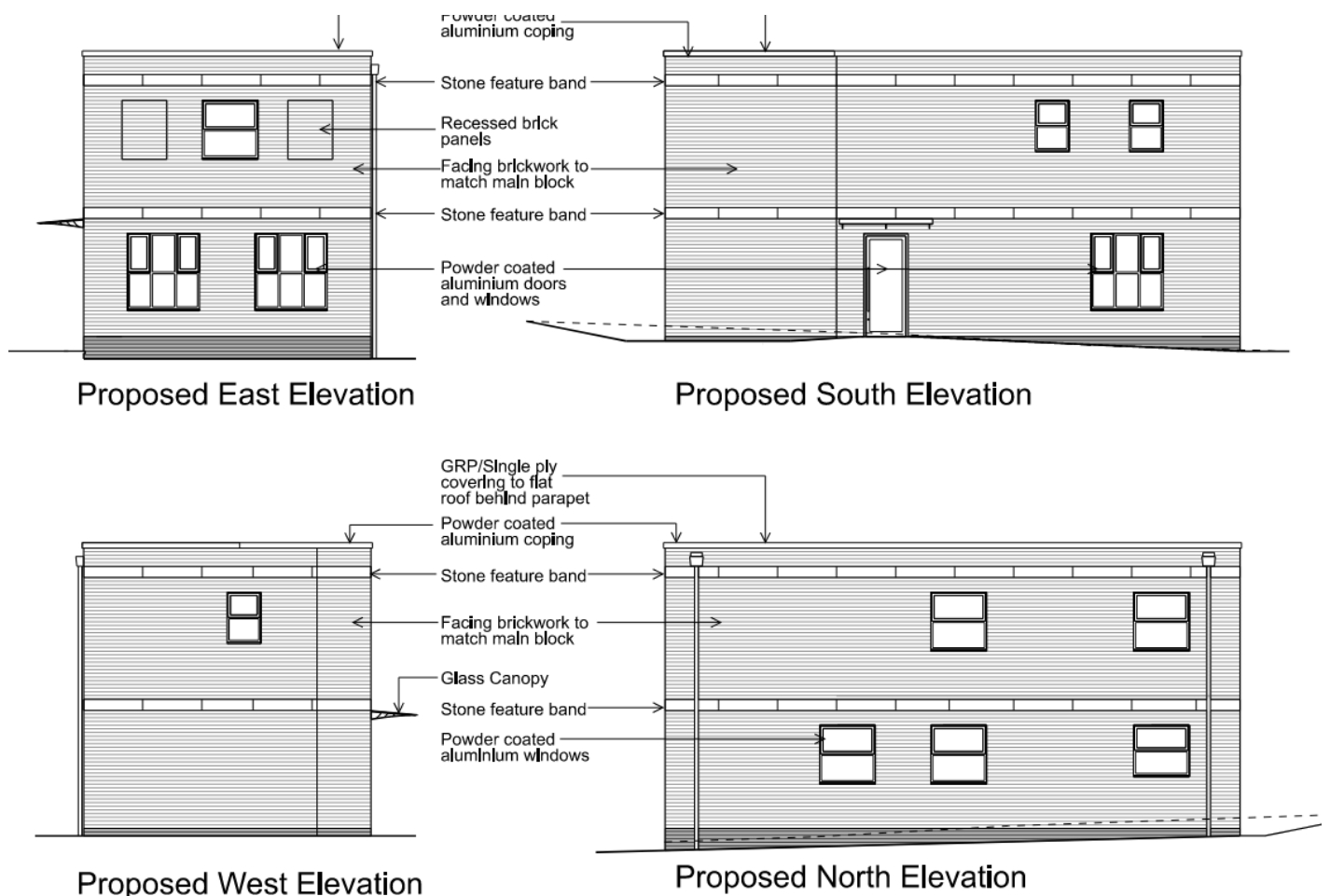
- 2.8. Policy H4 requires a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. The policy states that where developments have a capacity for 10 or more additional dwellings, the affordable housing should be provided on site. Where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment in lieu of affordable housing.
- 2.9. Targets are based on an assessment of development capacity whereby 100sqm GIA of housing floorspace is generally considered to create capacity for one home and a sliding scale target applied to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each additional home added to capacity.
- 2.10. Where development has the capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. A rate of £5000 per sqm GIA is applied. The proposed residential floorspace is 105sqm. Therefore, the affordable housing contribution would be £10,500. Had the proposal been otherwise acceptable, this affordable housing contribution would have been secured by means of a Section 106 Agreement. This constitutes a reason for refusal that can be overcome by entering into a legal agreement (RfR 5).

Design

- 2.11. The Council's policies on design aim to achieve the highest standard of design in all developments. Policy D1 requires that development considers the local context, setting, and character and for development to integrate with the form and scale of surrounding buildings. This is reflected in the Camden Planning Guidance (CPG) on Design.
- 2.12. London Plan Policy D3 speaks to the need for all development to make the best use of land by following a design-led approach that optimises the capacity of the site. The form and layout of developments should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape, with due regard to existing and emerging street hierarchy, building types, forms, and proportions.
- 2.13. The proposed dwelling would be a two-storey rectangular shaped building with a flat roof, setback approximately 2.14m from the street. Due to the location of the new building within close proximity to the site boundary, the established building line would be disrupted given that most of the properties along this part of the street have been set back with small front gardens/paved areas. The proposed dwelling would be much closer to the street and would not include a green buffer of consistent width to other properties, including Boydell Court, along this part of the street. This disruption to the established building line, coupled with the two-storey height of the building (one-storey higher than the previous approved workshop),

would result in an incongruous form development which would appear out of context when compared to surrounding properties, causing harm to the character and appearance of the street scene.

- 2.14. The proposal would result in a loss of openness which currently experienced across this portion of the site. Owing to the close proximity of the proposed building to the existing Block D and the road boundaries, the dwelling would appear to be 'squeezed' into the site, appearing somewhat out of place and creating an uncomfortable relationship with the existing built form. Whilst it is acknowledged that a workshop has previously been approved in this location, the proposed dwelling has an additional storey which would make the building far more prominent when viewed from the street, emphasising this awkward spatial relationship with the existing building.
- 2.15. As mentioned earlier in this report, a detached dwellinghouse could be more appropriately located elsewhere on the site where there is more space, to make the best use of the land available and optimise the capacity of the site in line with London Plan Policy D3. The current proposal would not result in the most appropriate form and land use for this portion of the site, therefore failing to achieve site optimisation.
- 2.16. Additionally, the proposed fails to achieve a high standard of design as it reflects the appearance of a more commercial or light industrial type building, rather than a residential use. The design of the building should match the intended use and given its proximity to the public realm; it should seek to provide visual interest for onlookers. The current design does not reflect to the intended use, nor does it provide visual interest when viewed from the public realm, and thus does not provide a positive contribution to the street scene.



- 2.17. The images above show the design of the proposed building. There is a complete lack of detailing or interest with the building presented as a brick box. The window placement is poorly thought out without either a regular pattern composition, or an interesting and dynamic

composition. The large swathes of plain brick surface accentuate the blocky and poorly thought-out design. The Local Plan requires a high quality of design - a higher bar than simply avoiding harmful design – and this is reflected in the NPPF which makes clear development should be visually attractive (para 135) and should be refused if it is not well designed (para 139).

2.18. Therefore, the inappropriate siting of the proposed dwelling and the poor-quality design is an additional reason for refusal as it would result in an incongruous form development which would appear out of context when compared to surrounding properties, causing harm to the character and appearance of the street scene (RfR 1).

Standard of Accommodation

2.19. Policy H6 outlines how the Council will seek to secure high quality accessible homes in all developments that include housing. We will:

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

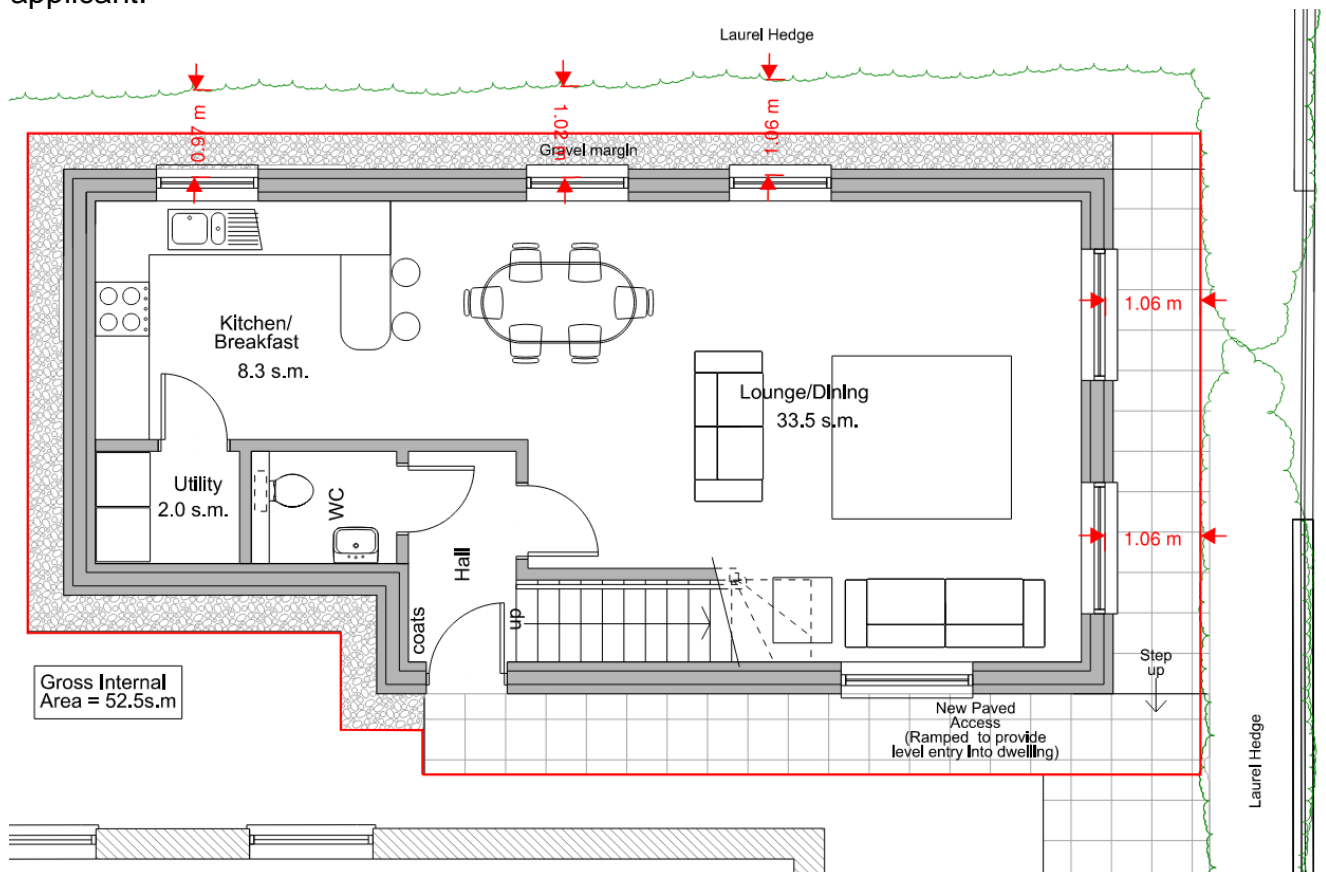
2.20. The proposed dwelling would meet the minimum internal space standards set out within Policy D6 of the London Plan in terms of Gross Internal Area (GIA) and built in storage. However, the proposal would fail to provide a minimum floor to ceiling height of 2.5m for at least 75 per cent of the GIA of the dwelling. Given that it is a new build, there is no reason as to why this minimum floor to ceiling height cannot be met (especially if located in a more appropriate plot). This minimum standard is required so that new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space. The height of ceilings, doorways and other thresholds should support the creation of an inclusive environment and therefore be sufficiently high to not cause an obstruction.

2.21. Policy D6 requires a minimum of 5 sqm of private outdoor space to be provided for 1-2 person dwellings and an extra 1 sqm to be provided for each additional occupant. Therefore, the proposal would be required to provide 7sqm of private external amenity space. The current scheme does not provide any private external amenity space which would decrease the quality of accommodation provided. The application states that the occupants of the dwelling would have unrestricted use of the shared amenity spaces across the wider site.

2.22. Paragraph 3.6.2 in the supporting text of LLP D6 states that (underlined for emphasis), “*the space standards are minimums which applicants are encouraged to exceed. The standards apply to all new self-contained dwellings of any tenure, and consideration should be given to the elements that enable a home to become a comfortable place of retreat. The provision of additional services and spaces as part of a housing development, such as building management and communal amenity space, is not a justification for failing to deliver these minimum standards”.*

2.23. Paragraph 3.6.9 goes further to state that (underlined for further emphasis), “*private outside space should be practical in terms of its shape and utility, and care should be taken to ensure the space offers good amenity. All dwellings should have level access to one or more of the following forms of private outside spaces: a garden, terrace, roof garden, courtyard garden or balcony. The use of roof areas, including podiums, and courtyards for additional private or shared outside space is encouraged”.*

- 2.24. Therefore, whilst the provision of additional shared communal outdoor space is encouraged, this cannot be used to justify the failure to deliver a minimum standard of private external amenity space. This is of particular concern given that the unit would be three-bedroom and would likely house a family for which external amenity space is increasingly important and therefore the lack of direct access to private external amenity space would significantly reduce the residential quality of this unit.
- 2.25. Notwithstanding this, there may be space to the rear of the dwelling to provide an outdoor area, but it is not within the red-line boundary. However, given the close proximity to the existing building and the number of windows facing out onto this space, the space would be heavily overlooked, and the future occupants would not be afforded adequate levels of privacy. Therefore, Officers do not consider this space to be appropriate for private amenity use if it had been proposed and had fallen within the red-line boundary. The inability to provide private outdoor space further adds to the reasoning as to why the proposed location of the dwelling is inappropriate in the context of the wider site.
- 2.26. In terms of the layout of the dwelling, it would be triple aspect which is supported as it increases the availability of light, natural cross ventilation, mitigates against overheating and provides better quality outlook for future occupants. That said, the outlook from the main living spaces on the ground floor would be very poor, again because of the siting in this corner of the site. Only the single south facing window would have reasonable outlook with all the others looking out at a 2.8m high Laurel (evergreen) hedge only around 1m away. As shown below, the hedge is outside the red line boundary and so it is outside the control of the applicant.



- 2.27. Laurel is a dense evergreen hedge and so this would seriously limit the outlook from the main living spaces in the property. Furthermore, they would significantly restrict the light into the living space. The BRE guidance refers to the use of “action hedge height” – the height above which a hedge is likely to block too much light (G5.4). The “action hedge height” for these windows would be 2m which the laurel hedge significantly exceeds – meaning the windows will likely suffer significant loss of light.

- 2.28. The primary living spaces would be provided on the ground floor, with bedrooms located up

the stairs, creating a logical internal layout. The dwelling would be required to meet the Building Regulation M4(2) standard for accessible and adaptable dwellings, which would have been secured via condition had the proposal been otherwise acceptable.

- 2.29. Overall, the failure to provide sufficient floor to ceiling height within a new build home, the poor outlook and light, and the lack of private external amenity space, would result in a dwelling which provides a compromised standard of accommodation for future occupants. As such, the proposal would not be considered to provide a high-quality new home as required by Policy H6 and D1 of the Camden Local Plan and Policy D6 of the London Plan, which is considered an additional reason for refusal (RfR 3).

Neighbouring Amenity

- 2.30. Local Plan Policies A1 and A4 seek to protect the amenity of Camden's residents by ensuring that the impact of development is fully considered. They aim 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. This includes loss of privacy through overlooking, loss of outlook, and implications on daylight, sunlight, and noise. CPG 'Amenity' provides specific guidance with regards to these factors.
- 2.31. The proposed dwelling would be located approximately 1.5m from Block D to the south and 7.7m to the west. The Design and Access Statement states that these windows serve two flats, with two bathroom windows, and a kitchen/utility window in each flat. Kitchens are considered to be habitable rooms. Due to the close proximity to the windows to the south, the proposed dwelling would result in an increased sense of enclosure and overbearing for these adjoining occupiers and would significantly reduce the outlook they are currently afforded over this open space. The quality of the outlook of the dwellings to the west would also be reduced and these residents would likely feel an increased sense of enclosure. The Design and Access Statement or plans do not specify whether these are habitable windows.
- 2.32. No daylight and sunlight assessment was submitted with the application to demonstrate that the proposal would not result in a harmful loss of light to both the dwellings to the north and west and ground and first floor levels.
- 2.33. Overall, it is considered that the proposed development would result in unacceptable harm to neighbouring amenity by way of creating an increased sense of enclosure and overbearing and likely loss of daylight and sunlight. This is therefore an additional reason for refusal (RfR 2).

Sustainability

- 2.34. Policies CC1 and CC2 require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards.
- 2.35. Generally, the proposal meets the requirements for carbon reductions with an overall reduction of 50.8%. Whilst it is positive that the proposal includes an air source heat pump, had the proposal been otherwise acceptable, the applicant would have been encouraged to explore the use of a green roof and solar panels for further reductions.
- 2.36. Policy CC3 of the Local Plan seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. The policy also states that the Council will require development to incorporate water efficiency measures, avoid harm to the water environment and improve water quality, and incorporate flood resilient measures where appropriate.
- 2.37. The road St John's Wood Park is not known to have flooded, but several nearby roads have,

including Adelaide Road which is adjacent to the property. Given the flood risk in the area, had the proposal been otherwise acceptable, the applicant would have been advised to consider flood protection measures such as non-return valves and raised thresholds with a 300mm freeboard. The applicant would also have been advised to consider the use of a green-blue roof to minimise flooding risk, or alternatively consider the use of rainwater harvesting.

- 2.38. Additionally, the proposed dwelling would have been required to meet the requirements for water efficiency, with no more than 105l per person per day and 5 litres for external use. This would have been secured via a condition.
- 2.39. Policy CC4 seeks to ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough. Policy CC4 requires the submission of air quality assessments (AQA) for developments that could cause harm to air quality, and mitigation measures are expected in developments located in areas of poor air quality. Policy C1 promotes healthy communities.
- 2.40. In line with the CPG on Air Quality, a Basic Air Quality Assessment is required as the proposal would introduce new sensitive receptors (being the residential dwelling) into an area of very poor air quality. In addition to the air pollution from the busy nearby roads, it is noted that the site is adjacent to a vent shaft from the tube and therefore any pollution from which should also be considered in the assessment.
- 2.41. In the absence of an Air Quality Assessment, the application has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and subsequently that the site is suitable for residential use, contrary to Policy CC4 of the Camden Local Plan. This is therefore an additional reason for refusal (RfR 4).

Transport

- 2.42. Policy T1 aims to promote sustainable transport by prioritising walking, cycling and public transport. This is achieved by improving pedestrian friendly public realm, road safety and crossings, contributing to cycle networks and facilities, and improving links with public transport.
- 2.43. In line with Policy T1, it is expected that all developments provide cycle parking in accordance with the standards set out in the London Plan. For residential units with two or more bedrooms the requirement is for two spaces per unit. No cycle parking is shown on the submitted plans. However, it is considered that sufficient space exists in the proximity of the proposed house to accommodate a two- space cycle store. Therefore, had the proposal been otherwise acceptable, a condition would have been imposed to require the submission and approval of cycle parking details prior to occupation.
- 2.44. Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car free. Therefore, had the proposal been otherwise acceptable, the development would have been secured as residents parking permit (car) free development by means of a Section 106 Agreement. This would prevent future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. This constitutes a reason for refusal that can be overcome by entering into a legal agreement or undertaking (RfR 6).
- 2.45. Policy A1 seeks to manage the impacts of the construction phase of development through the use of Construction Management Plans.

2.46. Had the proposal been otherwise acceptable, a construction management plan and associated implementation support contribution of £4,194 and Impact Bond of £8,000 would also have been secured via means of a Section 106 agreement. This would help ensure that the proposed development is carried out without unduly impacting neighbouring amenity, or the safe and efficient operation of the local highway network, in line with Policies A1 and T4 of the Camden Local Plan. This constitutes a reason for refusal that can be overcome by entering into a legal agreement or undertaking (RfR 7).

3. Recommendation

Refuse Planning Permission for the following reasons:

Substantive reasons for refusal

1. The proposed development, by reason of the siting and height of the building, and poor-quality design, would result in an incongruous form development, which would fail to make the best use of land and optimise the capacity of the site, and would appear out of context when compared to surrounding properties, causing harm to the character and appearance of the street scene, contrary to Policy D3 of the London Plan 2021 and Policy D1 of the Camden Local Plan 2017.
2. The proposed development, by reason of the siting and height of the building, would result in unacceptable harm to neighbouring amenity of the immediately adjacent ground and first floor flats within Block D by way of creating an increased sense of enclosure and overbearing, and a reduction daylight, contrary to Policy A1 of the Camden Local Plan 2017.
3. The proposed development would provide unacceptable and substandard living accommodation by way of failure to provide sufficient floor to ceiling height, the poor outlook and light, and the absence of a private external amenity space, contrary to Policy D6 of the London Plan 2021 and Policy H6 and D1 of the Camden Local Plan 2017.
4. The proposed development, in the absence of an Air Quality Assessment, has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and subsequently that the site is suitable for residential use, contrary to Policy C1 and CC4 of the Camden Local Plan 2017.

S106 reasons for refusal (can be overcome through legal agreement)

5. In the absence of a legal agreement securing an affordable housing contribution, the development would fail to maximise the supply of affordable housing to meet the needs of households unable to access market housing, contrary to Policy H4 of the Camden Local Plan 2017.
6. In the absence of a legal agreement securing the development as car-free, the development would contribute to parking stress, congestion in the surrounding area, environmental impacts, and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to Policies C1, CC4, T1, T2, and DM1 of the Camden Local Plan 2017.
7. In the absence of a legal agreement securing a Construction Management Plan, construction impact bond and an implementation and monitoring fee, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies G1, A1, A4, CC4, T3, T4, and DM1 of the London Borough of Camden Local Plan 2017.