

<b>Delegated Report</b>	<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>22/08/2023</b>
	N/A		<b>Consultation Expiry Date:</b>	<b>08/10/2023</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Blythe Smith			i) 2023/2669/P ii) 2023/3304/L	
<b>Application Address</b>			<b>Drawing Numbers</b>	
61 Oakley Square London NW1 1NJ			See 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>				
Creation of a bin storage area to the front of the building with glass canopy and new cast iron parapet to the front first floor balcony. Improvements of the curtilage including the addition of a steel parapet to an existing concrete staircase.				
<b>Recommendation:</b>	i) Refuse Planning Permission ii) Refuse Listed Building Consent			
<b>Application Type:</b>	i) Full Planning Application ii) Listed Building Consent			
<b>Conditions or Reasons for Refusal:</b>	<i>Refer to Draft Decision Notice</i>			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Summary of consultation:</b>	A site notice was displayed between 13/09/2023 until 07/10/2023 and advertised in the local press on 14/09/2023 until 08/10/2023.			
<b>Adjoining Occupiers:</b>	No. of responses	<b>06</b>	No. of objections	<b>06</b>

<p><b>Summary of consultation responses:</b></p>	<p>Six letters of objection were received from neighbouring residential addresses. The comments raised can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Extension to existing outbuilding would lead to an unacceptable loss of garden space, detrimental to character of GII listed building</li> <li>• Outbuilding is in use as a dwelling which is not permitted and should not be encouraged/allowed</li> <li>• Extension would result in an overdevelopment of the application site</li> <li>• Loss of outlook and light</li> <li>• Extension would lead to an overbearing visual impact</li> <li>• Development would exacerbate issues of local traffic, parking and waste collection due to new unit added</li> <li>• Resulting property would become overcrowded</li> <li>• Development would be uncharacteristic of the area</li> </ul> <p><i>Officer's response:</i></p> <ul style="list-style-type: none"> <li>• <i>The alterations to the outbuilding have been removed from the application over the course of assessment</i></li> <li>• <i>The use of the outbuilding is not being assessed within this application; however this was approved in 2014 (app ref: 2014/2052/P)</i></li> <li>• <i>The proposed extension has been removed from the current application</i></li> <li>• <i>Impacts to outlook and light are assessed within section 2.</i></li> <li>• <i>The proposed rear extension has been removed from the application</i></li> <li>• <i>The revised development would not create a new unit.</i></li> <li>• <i>The design of the development is assessed within section 2.</i></li> </ul>
<p><b>Camden Town CAAC:</b></p>	<p>No responses were received following statutory consultation.</p>

## Site Description

The application site is a three storey Grade II listed building in the Camden Town Conservation Area. Its significance includes its architectural design and materials, what remains of its historic setting, its planform, and its evidential value as a C19th house as well as its positive contribution to the character and appearance of the Camden Town Conservation Area.

The property has historically been subdivided into 13x self-contained units. In 2014, a Certificate of Lawful Development demonstrated that the use of the property and garden outbuilding as 13 self-contained units was exempt from enforcement and was therefore lawful due to the passage of time.

## Relevant History

**2017/1445/P:** Erection of a single storey extension to existing garden outbuilding (Class C3) – **Refused** 17/08/2017

### Reasons for refusal

- The proposed extension and resulting outbuilding by virtue of its siting, scale, design and materials would dominate the rear garden of the host property and fail to appear as a subordinate garden addition, it would fail to represent high quality design and would lead to a further loss of the green open character to the rear of the property/terrace. The development would therefore result in harm to the character and appearance of the property and conservation area as well as to further erode the setting of the Grade II listed building to the detriment of its architectural and historic interest, contrary to policies A2, D1 and D2 of the Camden Local Plan 2017.
- The proposed extension and resulting outbuilding by virtue of its scale and siting would result in an overbearing visual impact and unacceptable sense of enclosure to the occupiers of adjoining properties as well as the lower ground floor unit within the host building. The development would also result in a loss of natural light to the occupiers of the lower ground floor unit as well as a detrimental loss of garden amenity to occupiers of units within the host building with access to the existing garden as well as to either neighbouring property. The development is therefore contrary to policies A1 and A2 of the Camden Local Plan 2017.
- In the absence of an Arboricultural Impact Assessment and Methods Statement, the proposed extension would be considered likely to cause harm to the mature trees protected by Tree Preservation Orders within the adjacent garden (at no.60) contrary to policies A1 and A3 of the Camden Local Plan 2017.

**2014/2052/P:** Continued use of property as 13 self- contained flats – **Granted** 17/09/2014

**8700347:** Erection of second-floor rear bathroom extension – **Granted** 04/06/1987

**K12/12/2/3992:** The erection of a single storey building at 61 Oakley Square and its use for storage purposes ancillary to the main residential use of the property – **Granted** 14/09/1967

**K12/12/2/6257:** conversion of the basement of No. 61, Oakley Square, St. Pancras, into a self-contained flat and to erect a rear addition to provide improved toilet facilities and services to the upper floors – **Granted** 07/08/1963

## Relevant policies

### National planning Policy Framework 2023

### London Plan 2021

### Camden Local Plan 2017

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

### Camden Planning Guidance

- CPG Design (January 2021)
- CPG Home Improvement (January 2021)
- CPG Amenity (January 2021)

### Camden Town Conservation Area Appraisal 2007

### 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).

## Assessment

### 1. Proposal

- 1.1. Planning permission is sought for the formation of a bin store platform to the front of the property located on top of an existing lightwell, along with rearranged stairs and a new glazed canopy for the lower ground floor studio flat and the replacement of metal railings on the first floor.
- 1.2. The proposal initially had alterations to the outbuilding and rear elevation however those have been removed following Officer feedback.

### 2. Assessment

The material considerations for this application are summarised as follows:

- Design and Heritage
- Amenity of neighbouring residential occupants

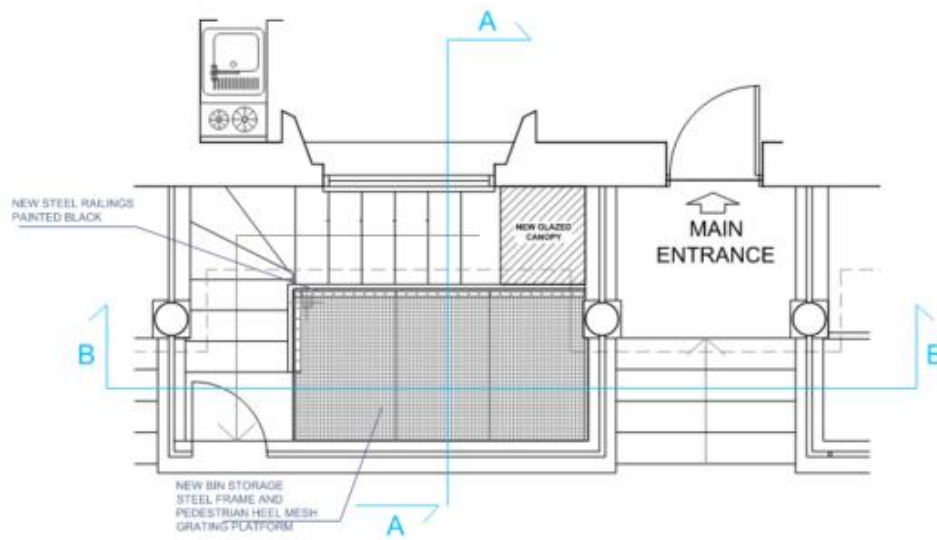


Figure 1. Floor plan of bin platform/ rearrangement to lower ground floor access

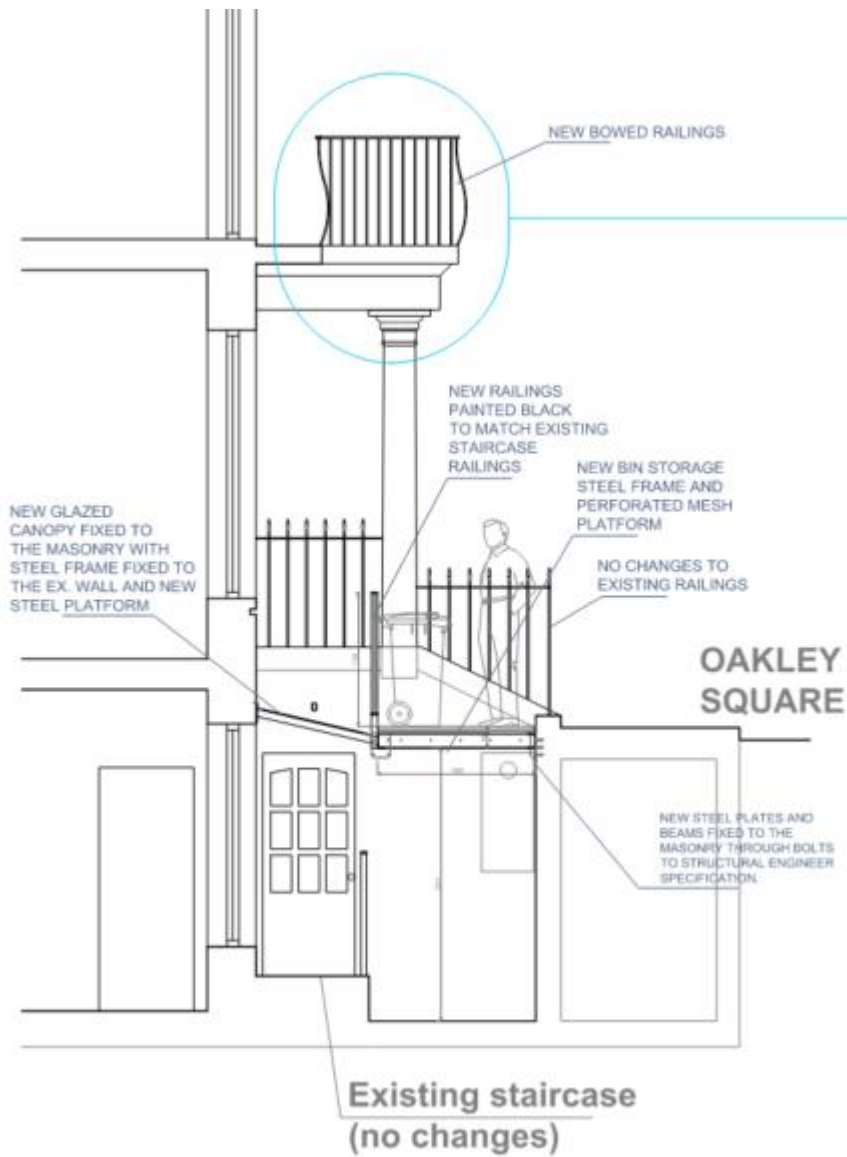


Figure 2 Section of bin platform and proposed railing on first floor

### 3. Design and Heritage

- 3.1. The application site is within the Camden Town Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.2. Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 3.3. Policy D1 (Design) states that 'Alterations and extensions should be carried out in materials that match the original or neighbouring buildings.' CPG Home Improvements states that "The texture, colour, pattern and finish of materials (detailing) should relate well to the existing character and appearance of both the existing home and the wider area, particularly in conservation areas".
- 3.4. CPG Housing states that alterations to the front of the property can be considered highly visible additions that can change the character of the building and the street and should be built from materials that are sympathetic to the existing building wherever possible. Developments should also consider the amenity of adjacent properties with regard to daylight, sunlight, outlook, light pollution/spillage and privacy.
- 3.5. The existing railings along the front elevation at first floor level are poorly designed and do not match the more historic railings elsewhere on the terrace. The proposed replacement metal railings would be more harmonious and are considered acceptable in terms of design.
- 3.6. The presence of the metal bin platform and glass canopy will have an impact on both the setting of the listed terrace, as well as the visual contribution the building makes to the character and appearance of the streetscape. Paragraph 208 of the NPPF requires that any (less than substantial) harm be balanced against public benefit.
- 3.7. The applicant property is situated in the middle of a listed terrace, which feature a consistent design to their frontages. Metal bin platforms and glass canopies are not an established feature to the front elevation of neighbouring properties. Therefore, both proposed elements are considered to harm the setting of the listed building and would be a departure from the repetitive nature of the terrace frontages. It would create a disproportionate and insubordinate feature to the front elevation, detracting from the character of the area and the significance of the listed status of the building.
- 3.8. Paragraph 196 of the NPPF (2023) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposal would provide bin storage for the existing flats; however, as there are 13 flats within the building the amount of additional storage gained would be negligible and would not contribute to public benefits that would overcome the harm identified.
- 3.9. For the above reasons, the proposed bin storage and glass canopy will cause harm to the special interest of the Grade II listed building as well as negatively impact the character and appearance of this part of the Camden Town Conservation Area. The proposals are contrary to the Local Plan policies D1 and D2, as well as against guidance on equivalent topics found in the Camden Town Conservation Area Appraisal and Management Strategy.

#### **4. Residential Amenity**

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 4.2. Paragraph 2.13 of the Amenity CPG states that “outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden...particular care should therefore be taken if the proposed development adjoins properties with a single aspect”.
- 4.3. Paragraph 2.14 states that “developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. The location of bin or cycle stores, for example, should be carefully considered if they are in close proximity to windows or spaces used by occupiers”.
- 4.4. Paragraphs 3.2 and 3.4 address concerns over daylight/sunlight levels of proposals: “the Council will carefully assess whether proposals have the potential to reduce daylight and sunlight levels for existing and future occupiers” and “daylight and sunlight levels are affected by the location of a proposed development and its position in relation to, the windows in nearby properties”.
- 4.5. As the proposed bin platform would be located below the ground floor windows, the ground floor flats and the flats on the upper levels will not be impacted in terms of loss of outlook or sunlight/daylight.
- 4.6. The lower ground floor contains Flats A, B, C and F. Flat A is single aspect where the only window faces into the front lightwell, directly behind the proposed bin platform. The proposed development would significantly impact the outlook from this window and from its height and location, would be above a 45-degree angle impacting the availability of light to the studio flat. Further, the lower ground floor window faces within 90-degrees of due south, thus the proposal would likely impact the availability of sunlight as well as daylight.
- 4.7. The proposed development is considered to result in an unacceptable impact upon Flat A by virtue of the overbearing visual impact of the bin platform to both outlook and sunlight/daylight impacts, contrary to policy A1 of the Camden Local Plan.

## **5. Recommendation**

### **5.1. Refuse planning permission.**

- The proposed bin platform and glass canopy, by reason of its bulk, scale, siting and design, will result in a detrimental impact on the special architectural and historic interest of the listed building and the character and appearance of the Camden Town Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- The proposed bin platform, by reason of its location and proximity to neighbouring windows, would result in detrimental impacts to the outlook and availability of sunlight/daylight to Flat A, 61 Oakley Square. The proposal is therefore contrary to policy A1 of the London Borough of Camden Local Plan 2017.

### **5.2. Refuse listed building consent.**

- The proposed bin platform and glass canopy, by reason of its bulk, scale, siting and design, would result in harm to the special architectural and historic interest of the Grade II listed building contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.