

Delegated Report		Analysis sheet		Expiry Date:	19/09/2024
		N/A		Consultation Expiry Date:	25/08/2024
Officer			Application Number(s)		
Daren Zuk			2024/3123/P		
Application Address			Drawing Numbers		
Glebe House 15 Fitzroy Mews London W1T 6DP			<i>See decision notice</i>		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single-storey roof extension to provide 2x new residential (Class C3) units.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
	No. of responses	44	No. of objections	44	
Neighbour Consultation	<p>Site Notice: posted 31/07/2024, expired 024/08/2024 Press Notice: published 01/08/2024, expired 25/08/2024</p> <p>Forty-four (44) responses objecting to the proposed works were received following statutory consultation. The objections are summarised below:</p> <ul style="list-style-type: none"> • Design and height of the extension would negatively impact the host building, street scene, and wider Conservation Area • Extension considered overdevelopment • Negative impact on the availability of daylight/sunlight to properties in Fitzroy Mews, Fitzroy Square, and other flats in Glebe House • Structural impact on the existing building • Daylight and Sunlight Report not conducted properly • Impacts from construction including noise, dust, disruptions to accessing the building, and light pollution • Extension provides no benefit to the existing residents of Glebe House or the wider community • Negative impact on property values • Architectural plans are unrealistic and unlikely to be built out as shown if approved • Addition of two new residential units does not address the housing crisis 				

Fitzroy Square CAAC

The Fitzroy Square CAAC was consulted and did not provide a response.

Site Description

The site comprises a post-war five-storey building which fronts onto Cleveland Street (east side) and onto Fitzroy Mews (west side). The building has retail on the ground floor and residential on the upper floors (14 one- and two-bed flats). The site falls within the Fitzroy Square Conservation Area and the boundary of the conservation area runs down the middle of Cleveland Street. To the east of the site are a terrace of 13 houses (20-32 Fitzroy Square) which are Grade II* listed and form the western side of Fitzroy Square, a private open space listed in the London Squares Preservation Act 1931. The site also falls within the Cleveland Street Neighbourhood Centre. The Borough boundary runs down the middle of Cleveland Street with the City of Westminster to the west.

Relevant History

7465(R) – The redevelopment of the sites of Nos. 92-98 Cleveland Street, Camden, by the erection of a 5-storey building comprising basement garage and shop, ground floor shops and 1st/3rd floors and penthouse floor over comprising 14 residential flats. **Granted 18/12/1969**

36960 – Use of four garages at Glebe House for a single car each in order that residents of buildings other than Glebe House might occupy the two remaining vacant spaces. **Granted 28/11/1983**

2021/1782/P – Erection of an additional storey to create a residential dwelling. **Refused 11/11/2021**

Reasons for Refusal:

1. The development, by reasons of its height, bulk, mass and detailed design, would be detrimental to the appearance of the host property, the streetscape and the Fitzroy Square Conservation Area contrary to policies D1 (design) and D2 (heritage) of the London Borough of Camden Local Plan 2017.

2. In the absence of a daylight, sunlight and overshadowing assessment, the applicant has failed to demonstrate that the dwellings in the host property and in neighbouring buildings would receive acceptable levels of daylight and sunlight, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

3. In the absence of a fire statement, the applicant has failed to demonstrate that fire safety matters as they relate to land use planning have been considered and incorporated into the planning application contrary to National Planning Practice Guidance and Policy D12 (Fire safety) of the London Plan 2021.

Reasons for refusal nos. 4, 5, 6 and 7 were related to the absence of a s.106 legal agreement.

Relevant Policies**National Planning Policy Framework 2023****The London Plan 2021****Camden Local Plan 2017**

G1 Delivery and location of growth
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
A3 Biodiversity
D1 Design
D2 Heritage
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
CC1 Climate change mitigation
CC2 Adapting to climate change

CC4 Air Quality
CC5 Waste
DM1 Delivery and monitoring

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).

Camden Planning Guidance (CPG)

CPG (Design)
CPG (Amenity)
CPG (Housing)
CPG (Sustainability)
CPG (Transport)
CPG (Energy efficiency and adaptation)
CPG (Developer's Contributions)

Fitzrovia Area Action Plan

Fitzroy Square Conservation Area Appraisal and Management Strategy (2010)

Assessment

1. Proposal

1.1. Planning permission is sought to erect a single-storey extension to form an additional storey at fifth-floor level to provide two self-contained residential units (1x one-bedroom and 1x two-bedroom). The extension will feature a similar footprint as the lower floor below it, with an extended stair/lift core, external terrace entrances, and a small secondary terrace for Unit 2. The existing facade at fourth-floor level would be removed and replaced with brickwork to match the lower levels, while the extension would be finished in a similar matching brickwork. The profile of the existing gable at fourth-floor level would be removed.

2. Assessment

2.1. The material considerations for this application include:

- Land Use
- Affordable Housing
- Dwelling Mix
- Standard of Accommodation
- Design and Heritage
- Amenity
- Transport
- Energy and Sustainability

3. Land Use

3.1. Housing is the priority land use in the Local Plan as stated in Policy H1 (Maximising housing supply). Thus, the provision of two additional self-contained residential units (Class C3) would help to meet Camden's housing needs.

4. Affordable Housing

4.1. Local Plan Policy H4 (maximising affordable housing) 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 fewer than 10 additional dwellings, the Council will accept a payment in lieu of affordable housing.

- 4.2. Targets are based on an assessment of development capacity whereby 100 sqm GIA of housing floorspace is generally considered to create capacity for one home and a sliding scale target applies 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 home added to capacity.
- 4.3. 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. On this basis of an uplift of 101sqm residential floorspace, the contribution would be £10,100 which should be secured by means of a S.106 legal agreement. In the absence of a S.106 legal agreement this would form a reason for refusal.

5. Dwelling Mix

- 5.1. The Council requires development to contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes. Policy H7 (Large and small homes) of the Local Plan includes outlines dwelling size priorities as well as ensuring that all housing development:
- a. contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and
 - b. includes a mix of large and small homes.
- 5.2. The proposal includes the creation of 1x one-bedroom flat and 1x two-bedroom flats. The one-bedroom flat is regarded as a low priority, while the two-bedroom flat is regarded as a high priority. On balance, the proposed unit mix is considered acceptable and compliant with Policy H7. The proposed unit mix also accord with the Fitzrovia Area Action Plan (FAAP) Principle 1 which seeks larger homes.

6. Standard of Accommodation

- 6.1. Policy H6 (Housing choice and mix) outlines how the Council will seek to secure high quality accessible homes in all developments that include housing, in addition to ensuring all self-contained homes meet nationally described space standards.
- 6.2. The proposed one-bedroom unit has a GIA of 40sqm, which meets the minimum GIA of 39sqm for a one-bedroom, one-person flat. The two-bedroom unit has a GIA of 61sqm, which meets the minimum GIA of 61sqm for a two-bedroom, three-person flat.
- 6.3. The one-bedroom flat is triple aspect, facing east, south, and west, while the two-bedroom unit is dual aspect facing east and west. It is considered each unit would receive sufficient daylight/sunlight throughout the year. Each unit features a large private terrace, facing east. The one-bedroom unit also features a small south facing terrace accessed off the bedroom.

7. Design & Conservation

- 7.1. The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 (Design) of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area. The Council welcomes high quality contemporary design which responds to its context. Camden's Local Plan Document is supported by Supplementary Planning Guidance CPG (Design).
- 7.2. Local Plan Policy D2 (Heritage) states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. To comply with Policy D2, extensions to properties should integrate with and enhance the host building and not be dominant or obtrusive.
- 7.3. Camden's Design CPG emphasises Camden's commitment to design excellence and expects development schemes to consider: the context of a development and its surrounding area; the design of the building itself; the use and function of buildings; using good quality sustainable materials; creating well connected public spaces and good quality public realm; opportunities for promoting health and well-being; and opportunities for improving the character and quality of an area.

- 7.4. The Fitzrovia Area Action Plan (FAAP) provided urban design principles for new development. It outlines that new development should respond positively to the prevailing form of nearby buildings and frontages in terms of scale and grain, particularly listed buildings, and buildings, spaces and other features identified as making a positive contribution to the conservation area.
- 7.5. The one-storey roof extension is considered to be poorly designed in its footprint, bulk, and integration with the existing building. When viewed from Cleveland Street (from the north and south), the proposed roof extension results in an awkward tiered form that is overly dominant and at odds with the scale and post-war style of the building. The bulk is only exacerbated by the lift overrun, which will be highly visible on the east side of the building when viewed within Fitzroy Mews.
- 7.6. Utilising a tiered form can be appropriate in many instances, as it can help reduce the bulk when viewed from the street if sufficiently set back from roof edges and if each of the tiered levels are of the same height and scale. However, due to the relatively shallow depth of the existing building, and the need to reduce the bulk along the east to deal with daylight/sunlight concerns to properties on Fitzroy Mews (see Section 12 Amenity), the form sits uncomfortably and at odds with the existing building. This awkward relationship is exacerbated by the fact that the existing roof level has a taller height than the lower floors and that of the proposed roof extension, thus resulting in harm to the established rhythm of the building.
- 7.7. The existing building is taller than other buildings on Cleveland Street which are typically four-storeys in height. The adjoining terrace to the north (nos.100-126 Cleveland Street) is four-storeys including a mansard, which results in a large portion of the upper floors of the subject site being visible in views south along Cleveland Street, including the proposed roof extension. The building is slightly taller than Cleveland House, the neighbouring building to the south. The proposed extension would result in the building being taller than all the surrounding buildings including nos.127-129 Cleveland Street to the west. The additional storey would harm the relationship the existing building has with these nearby buildings and would result in an even more dominant in views along Cleveland Street.
- 7.8. It is acknowledged that neighbouring Cleveland House to the south was recently granted permission for a single-storey roof extension under ref. 2021/3245/P (dated 25/01/2023). The extension, which is considered to be appropriate in terms of height, scale, and design, would remain at a lower height than that of Glebe House with the additional storey. It is also worth noting that the context of Cleveland House is different than the subject site, as it does not have any adjacent buildings that are of a significantly lower height.
- 7.9. The Fitzroy Square Conservation Area Statement para. 6.30 refers to the terraces along the east side of Cleveland Street, which are predominately three-storeys in height with small attic windows within the mansard, although there are some four-storey elements mainly south of Grafton Way. Nos.66-84 & nos.100-126 are considered to be groups that contribute positively to the character of the area, particularly no.106 which is Grade II listed and has a notably detailed shopfront. These blocks have a consistent elevational treatment and rhythm of fenestration. Therefore, the proposed increase in height of the existing building would have a negative impact on the setting of these buildings and on the character of the wider Fitzroy Square Conservation Area.
- 7.10. Paragraph 6.33 of the Conservation Area Statement (CAS) notes that "*Fitzroy Mews retains its granite sett surface but has no buildings of note. The three-storey 20th century houses and offices on the eastern side take on a mews character and have large ground-floor openings with timber doors*". The CAS also acknowledges that "*the eastern side of the mews is dominated by five-storey red brick blocks of flats which have access walkways and balconies to the rear above first floor level*". The existing building is set back at top floor level, in order to minimise its impact on to Cleveland Street, and more importantly on the narrow Fitzroy Mews.
- 7.11. The proposal improves the design at the rear compared to the refused application and includes similarly set back roof level terraces as that of the existing roof level. However, the bulk of the proposed roof extension remains, and does not satisfactorily address the concerns outlined in the refused application. It is considered that the addition of an extra storey on Glebe House would make it even more prominent within Fitzroy Mews and detract from the character and appearance of the mews and the wider Fitzroy Square Conservation Area.

- 7.12. The Conservation Area Statement notes in para. 12.4 that alterations and extensions can have a detrimental impact cumulatively and individually on the character and appearance of the area. This includes, for example, inappropriate roof level extensions, particularly where this interrupts the consistency of a uniform terrace of the prevailing scale and character of a block or where they are overly prominent in the street. It is felt that the proposed roof extension would interrupt the street scene and result in an overly prominent building along Cleveland Street and within Fitzroy Mews.
- 7.13. The detailed design fails to respond sensitively to the existing building or surrounding context. The re-cladding of the existing roof level in brick and proposed brick cladding on the extension will be prominently visible and fail to respond to the materiality of the local area. The proposed window openings do not adequately respond to the arrangement of the windows on the lower levels of the building. This, coupled with the added bulk and massing, results in an incongruous addition to the host building.
- 7.14. Overall, the proposed roof extension has not satisfactorily addressed the reasons for refusal in the previous application, which included added height, bulk, mass, and detailed design. The extension as proposed is considered unsympathetic to the host building and would cause harm to the wider Fitzroy Square Conservation Area and would not comply with Local Plan Policies D1 (Design) and D2 (Heritage).
- 7.15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 7.16. The effect of this section of the Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (para. 193-202). 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.
- 7.17. The proposed development would result in less than substantial harm to the Fitzroy Square Conservation Area. The public benefit of two additional self-contained dwelling and an affordable housing payment in lieu of £10,100 would not outweigh the harm identified. The application is therefore recommended for refusal.

8. Amenity

- 8.1. Local Plan Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for redevelopment that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight, sunlight and noise. CPG (Amenity) provides specific guidance with regards to privacy and outlook.
- 8.2. The previous application ref. 2021/1782/P (dated 11/11/2021) included a reason for refusal based on the absence of a daylight/sunlight assessment:
- 'In the absence of a daylight, sunlight and overshadowing assessment, the applicant has failed to demonstrate that the dwellings in the host property and in neighbouring buildings would receive acceptable levels of daylight and sunlight, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.'*
- 8.3. The submitted pre-application documents included a Daylight/Sunlight Assessment, in order to assess the impact of the revised scheme on neighbouring properties. The report was reviewed by staff and found to suitably demonstrate that the proposed roof extension would not significantly affect the availability of daylight/sunlight to neighbouring properties.

8.4. The properties on the east side of Fitzroy Mews are three-storeys in height, where there is an existing degree of overlooking from the east facing windows in the subject building. Therefore, any additional overlooking would not be considered harmful. Opposite the site to the west is nos.127-129 Cleveland Street (City of Westminster), which is approximately 12m from the application site. CPG Amenity states that where there is an existing street or public space, it is considered to provide an adequate separation between properties, thus the 18m guideline will not apply. Similarly, due to the over 20m distance between the subject site and the rear of the properties along Fitzroy Square, the proposed development is not considered to create any amenity impacts to those properties.

8.5. Overall, it is considered that the proposed roof extensions, by reason of their setbacks, separation distances, and other mitigation measures, results in a proposal that will not have a significant negative impact on the amenity of any neighbouring residential occupier with regards to loss of daylight/sunlight, sense of enclosure, or overlooking/loss of privacy.

9. Transport

9.1. The subject site has a PTAL score of 6b which indicates that it has an excellent level of accessibility by public transport. The nearest underground station is Great Portland Street, located to the north of the site.

9.2. In line with Policy T1 (Prioritising walking, cycling and public transport) of the Local Plan, it is expected that cycle parking at developments be provided in accordance with the standards set out in the London Plan. For one-bedroom, one-person units the requirement is for one space, whilst for two-bedroom units it is two spaces per unit, which gives a requirement for three cycle parking spaces. Due to the lack of available space at ground floor level, and the limited size of the lift which is too small to accommodate cycles, it is recommended that a contribution of (£4,320/6 x 3 =) £2,160 be secured by means of a S.106 legal agreement towards the provision of a bike hangar in the vicinity of the site. The submitted plans indicate that cycles could be stored on the rear terraces of each unit, although as already noted it is considered that the lift is too small to comfortably accommodate cycles. In the absence of a S.106 legal agreement this would form a reason for refusal.

9.3. In accordance with Policy T2 (Parking and car-free development) of the Local Plan, which seeks car free development across the Borough, both new residential units should be secured as on-street residents parking permit (car) free by means of a S.106 legal agreement. This will prevent the 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. In the absence of a S.106 legal agreement this would form a reason for refusal.

9.4. Given the location of the site in the Central London area and the limited means of access to the site, it is recommended that the development be subject to a Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 to be secured by means of a S.106 legal agreement. This will help ensure that the proposed development is carried out without unduly impacting the operation of the local highway network or neighbouring amenity, in line with policy A1 (Managing the impact of development) of the Local Plan. In the absence of a S.106 legal agreement this would form a reason for refusal.

10. Energy and Sustainability

10.1. Policy CC1 requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy and to optimise resource efficiency. All new build residential development will also be required to demonstrate a 19% CO₂ reduction below Part L 2013 Building Regulations (in addition to any requirements for renewable energy).

10.2. It is considered that the development could meet the 19% reduction in CO₂ by measures such as enhanced fabric specifications and low u-value double glazed windows. If planning permission were to be recommended, the submission of an energy statement showing how the energy hierarchy has been followed and demonstrating a 19% reduction in CO₂ would be secured by condition.

10.3. Residential developments are expected to meet the requirement of 110 litres per person per day (including 5 litres for external water use). This would be secured by condition if approval was recommended.

11. Recommendation

11.1. Refuse planning permission on the following grounds:

- The development, by reason of its height, bulk, mass and detailed design, would be detrimental to the appearance of the host property, the streetscape and the Fitzroy Square Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement securing a Construction Management Plan, CMP implementation support contribution and Construction Impact Bond, would be likely to contribute unacceptably to traffic disruption, air pollution and be detrimental to general highway and pedestrian safety, contrary to Policies A1 (Managing the impact of development), CC4 (Air Quality) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to promote the use of non-sustainable modes of transport and contribute to air pollution and congestion in the surrounding area and, contrary to Policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement securing a contribution to affordable housing, would fail to meet the needs of households unable to access market housing, contrary to Policies H4 (Maximising the supply of affordable Housing) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement securing a contribution to secure two long stay cycling spaces, would fail to promote sustainable transport choices contrary to Policies T1 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.