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Date: 17/02/2021
Our ref: 2020/4951/PRE
Contact: Nora-Andreea Constantinescu
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Dear Daniel Woolfson,

Re: 76-82 Highgate Road, NW5 1PB

Thank you for submitting a pre-planning application enquiry for the above property which was received on 26/10/2020 together with the payment of £1,891.50 which was received on 27/10/2020. The advice is based solely on the information provided by the applicant which included photos, as well as aerial and street view desktop assessment. A virtual meeting was undertaken on 02/12/2020 and revised drawings in relation to the massing study were received on 05/01/2020. The current letter would provide advice on initial submission and subsequent one.

The current submission is a follow-up pre-application from 2019/2901/PRE.

Development Description

- i. Erection of two storey roof and rear extensions and provision of 6 new flats, following conversion of existing ancillary retail space at first floor, and HMO units, retention of retail space at ground level, full refurbishment of buildings.
- ii. Revised massing scheme to refer to erection of single storey roof and rear extensions.

Planning History

Previous relevant records including the application site:

9200772 – 76 Highgate Road - The erection of an additional storey at second floor level to provide a self-contained residential flat – **Refused 26/11/1992**

Reasons for refusal:

- 1) The windows on the rear extension would be likely to give rise to the unreasonable overlooking of adjoining residential premises to the detriment of their amenities.
- 2) The proposal fails to provide any off-street parking for the proposed residential unit, and therefore would not comply with the Councils standards for the provision of car parking spaces as set out in the Environmental Code. The proposed development would be therefore be likely to result in increased pressure for on-street parking spaces and exacerbate traffic congestion to the detriment of the amenities of surrounding residents.

500973 - 76-78 Highgate Road - Planning permission was refused on the for the 'Renewal of planning permission dated 31.07.90 (Ref. No.8903415R1) for the erection of an additional floor at second floor level' - **Refused, 05/07/1996. Appeal dismissed.**

RfR:

- 1) The proposed development is considered unacceptable in that the erection of an additional floor in this location would represent a visually obtrusive feature which would be out of scale with the property and detrimental to the appearance of the street scene at this point. Furthermore, it is considered that the proposed development would harm the existing character and appearance of the conservation area...
- 2) The proposed development is considered unacceptable in the interest of the protection of residential amenity. More particularly, it is considered that the proposed extension represents an unneighbourly form of development which would result in an unacceptable loss of outlook and sense of enclosure to the habitable rooms and gardens of the properties to the rear in College Lane...
- 3) The proposed development is considered to be unacceptable in that it would result in a material loss of daylight to the habitable room at first floor level of the property to the rear at 1 College Street. In this respect the proposal is contrary to policy EN.27 of the Unitary Development Plan...

2009/3984/P – 80 Highgate Road - Change of use and works of conversion from ancillary retail storage (Class A1) to a self-contained residential flat at first floor level, including infilling of valley roof, alterations to fenestration and formation of a rear light well. - **Granted 23/03/2009**

2009/1546/P - 76-78 Highgate Road - Erection of second floor level and excavation of basement to existing two storey retail building (Class A1); retention of retail use at ground floor level and use of newly excavated basement for additional retail/showroom space (Class A1); change of use and works of conversion at first floor level from ancillary retail storage to non self-contained residential accommodation (Sui Generis), with further accommodation at newly erected second floor level creating a total of 8 non self-contained rooms (Sui Generis); associated alterations including changes to shopfront. - **Refused 27/07/2009 - Appealed Dismissed - APP/85210/A/09/2110701**

RfR:

- 1) The proposed second floor extension by reason of its scale and design, would appear as an incongruous addition to this prominent building, detrimental to the character and appearance of the host building and the wider Dartmouth Park Conservation Area
- 2) The proposed first and second floor extensions, by reason of their size and siting, would result in a further loss of outlook and increased sense of enclosure to residential windows within the rear elevations of No's 1 and 2 College Lane, detrimental to the residential amenities of the occupants of these properties
- 3) The proposed development, in the absence of a legal agreement for car-free housing, would be likely to result in increased parking stress and congestion in the surrounding area, to the detriment of highway and pedestrian safety
- 4) The proposed development, in the absence of a legal agreement securing a BREEAM assessment prior to works commencing on site and a post construction review, would fail to be sustainable in its use of resources

- 5) The proposed development, in the absence of a legal agreement for the submission of a construction management plan, would be likely to contribute unacceptably to traffic disruption and general highway and pedestrian safety

2016/3515/PRE - 76-80 Highgate Road - Demolition of the existing buildings on the site and erection of a new 4 storey structure (with basement) housing the following: 9 x Apartments (1 x Studio Flat, 2 x 1 Bedroom Flat, 3 x 2 Bedroom Duplex Flats (2 with street entrances), 3 x 2 Bedroom Flat; Retail Space; and Office Space – **Advice issued on 01/02/2017**

2017/1188/PRE - 76 - 82 Highgate Road - Construction of second floor level and excavation of basement to existing two storey retail building providing 200 m² (Class A1) retail floorspace on ground floor and basement and 9 residential flats (Class C3) on upper floors comprising seven one bedroom flats and two bedroom flats – **Advice issued on 07/06/2017**

2017/5793/PRE - 76 - 82 Highgate Road - Two storey roof extensions to no.76-78 and full refurbishment of entire site to provide a mix of retail (A1) at GF and 9x residential flats (C3) at upper floor levels. – **Advice issued on 03/12/2018**

2019/2901/PRE - 74 - 80 Highgate Road - Two storey roof extensions to no.76-78 and full refurbishment of entire site to provide a mix of retail (A1) at GF and 9x residential flats (C3) at upper floor levels – **Advice issued on 05/11/2019**

Site description

The application site comprises two buildings (No's 76-78 and No. 80-82) located on the north-eastern side of Highgate Road, close to the junction with Lady Somerset Road and directly opposite the junction with Sanderson Close. No. 76-78 comprises a two-storey 1950's industrial style brick building with white rendered finish at ground floor level. The building is in retail use (Class E) at ground floor level as a carpet and rug shop, with ancillary retail storage space at first floor level. No.80-82 Highgate Road is also in retail use (Class E) at ground floor level (the continuation of the carpet and rug shop at No. 76-78). Planning permission as recently granted for the conversion of the first floor level within no.80 from ancillary retail storage into a residential unit (C3). No.82 features a double height archway with wooden gates, which front the forecourt to the adjacent public house.

The application site is located within the Dartmouth Park Conservation Area (designated in 1992). Neither No. 76-78 nor No. 80 are listed, but No. 80 is considered to make a positive contribution to the character and appearance of the conservation area. Similarly, the neighbouring buildings at No's 1-3 College Lane and The Vine Public House are also identified as positive contributors. The various buildings located on the south-western side of Highgate Road are located outside of the conservation area. There are no trees protected by tree preservation orders on or adjacent to the application site.

Assessment

The main issues for consideration are:

- Land use and housing mix

- Affordable Housing requirement
- Design and Heritage
- Impact on amenity
- Standard of accommodation
- Sustainability
- Transport
- Planning obligations

Land use and housing mix

- The proposal would retain the existing main retail space at ground floor level. Part of the retail space at no. 82 is proposed to be converted into residential and provide the entrance and core for the proposed flats above.
- Based on the information provided the existing 1st floor level is occupied existing ancillary office space, ancillary store retail space, a 5 bed HMO, and a self-contained flat accessed from the ancillary store retail space. It is unclear if planning permission 2009/3984/P for the upper floors at no. 80, has been implemented. Please confirm this in further submissions. Based on the information provided, the proposed loss of retail and ancillary retail amounts to 95sqm, and loss of residential is 82sqm.
- In relation to the loss of retail space, the advice given as part of pre-application 2017.1188.PRE still apply. The site is not located within a designated 'town' or 'neighbourhood centre' and is not situated within any protected frontage or within the Central London Area. Subject to Policy TC3, the Council seeks to protect shops outside centres by only granting permission for their loss where it can be demonstrated that an alternative provision is available within 5-10min walking distance and that there is clear evidence that the current use is not viable. Policy SW1 of Kentish Town Neighbourhood Plan promotes small business and supports the retention and increase of floorspace for the use of small businesses. As such, subject to any future submission you need to demonstrate that the remaining retail space can operate and remain viable only as part of ground floor area.
- Policy H10 states that the Council will resist development that results in the net loss of HMO space unless it can be demonstrated that the accommodation is incapable of meeting the relevant standards for houses in multiple occupation, or otherwise genuinely incapable of use as housing with shared facilities. If this permission has been implemented then any subsequent application involving the loss of this use would need to adequately demonstrate that the use of this space for HMO purposes was no longer viable. Officers would resist the loss of HMO accommodation and object to any formal application unless this justification was adequately provided.

Housing mix

- In relation to the housing mix Policy H7 stipulates that all residential development should include a mix of larger and smaller homes and should contribute to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT). The DSPT accompanying Policy H7 identifies two and three bedroom market units as being of 'High Priority' and one bedroom units as being of 'Lower' priority.
- The proposal includes 2x3bed6p, 3x2bed4p, 1x1bed2p which is considered to respond to the Council's housing priority. You are advised that further iterations of the scheme should maintain an appropriate housing mix which responds to the Council's housing priority.

Affordable Housing requirement

- As the proposal would provide new residential accommodation and an additional residential floor space of over 100sqm, it would be subject to an affordable housing contribution in line with policy H4 of Camden Local Plan, through a payment in lieu. The payment-in-lieu figure would be calculated by multiplying the proposed uplift in (expressed in GEA) by the adopted multiplier. The adopted multiplier outlined in Figure 8. of CPG Housing (2021) is currently set at £5,000 per sqm for market residential schemes. Further guidance in terms of this requirements is outlined within paras 6.26-6.30 and Figure 9 of CPG Housing.

Design and Heritage

(i) Two storey roof extension

- The proposal would retain the existing building and add a two storey extension on top which extends towards the rear elevation with part single part two storey rear extension. The extension would have high parapet to front elevation to screen the roof extension with sloped front and rear walls.
- The additional two floors proposed would add significant bulk to the existing building, which would dominate the row it part of. The proposed flank wall adjacent to no. 80 would be greatly prominent on views from Highgate Road, without consideration to the scale of no. 80 and their relationship to the streetscene.
- The front line of the application buildings sits slightly forward then no. 74. Due to this forward projection, when seen from south and north of Highgate Road, the proposed extensions would exacerbate the prominence of the application site in relation to its neighbours (no. 74 and 80), which results in harm to the host building, streetscene and wider conservation area.
- Subject to previous appeal decision (**APP/85210/A/09/2110701** planning app ref **2009/1546/P**) at this site and previous pre-application discussions, it was established that the application sites should appear as transition building between no. 80 and 74. You are advised that an extension at nos. 76-78 would only be acceptable if it supports the transition between no. 80 and no. 74.

Rear extensions

- The proposed rear extension would extend along the full width of the building and step down to the first floor level. The extension would have large glazed picture windows and stepped terraces. Due to its bulk, scale and detailed design the extension appears out of context with the host building and neighbouring ones. The expanse of the terraces is out of scale with the host building and neighbouring ones, and the high parapets would result in an incongruous addition. It is noted the intention to soften this elevation with stepped planted areas; however, the way these are designed they emphasize the horizontality and expansion of the rear elevation which appears alien within the existing context. You are advised that the scale and design of the rear extensions should be coherent with the front elevation and neighbouring context.
- At the rear of the site, there are two small cottages on Collage Lane. Previous pre-application advice and appeal decision highlights their modest nature within the neighbouring context. As part of future design iterations you should consider carefully

how your scheme responds to the small scale and nature of these cottages, as they form part of the immediate context.

Revised massing study

(ii) Single storey roof extension

- A revised massing study has been submitted which shows a single storey roof extension which meets the ridge height of no. 80 and continues to the rear with a 1st floor rear extension. This is considered a more appropriate form of development for the site. Two options are being proposed, first one with a flank wall adjacent to no. 80 and second one with a sloped roof adjacent to no. 80.
- Within both options the proposal appears to maintain the building in a transitional position, linking the adjacent buildings no. 80 and no. 74. Due to the proposed slope adjacent to no. 80, the second option is considered a more gentle transition, which is likely to better respond to the neighbouring context; however, without additional detailing it cannot be confirmed which option should be taken forward and it is suggested that you should continue exploring both as part of the design process.
- It is noted that the massing study shows the building in line with no. 74 and further information from the agent confirmed that this could only be achieved if the front elevation is demolished, which is not currently within the client's brief. The set back of the front elevation would be supported; however, due to suitability reasons and additional carbon emissions from demolition, it is accepted that the building would retain its forward projection. You are therefore advised to consider carefully how the proposed roof extension would respond to this constraint whilst ensuring the building supports the transition between no. 80 and no. 74.

Rear extension

- The massing study shows a long slope to the rear which is unclear how it relates to the host building and neighbouring ones. Future design iterations should provide detail on the bulk, scale and design of the rear extensions and how they relate to neighbouring properties.
- It is imperative that any design iterations of the rear extensions are coherent with the overall scheme and respond to the impact on neighbouring amenity, particularly at nos. 1 and 2 Collage Lane.

Impact on amenity

- Previous pre-application notes and appeal decision (APP/85210/A/09/2110701 planning app ref 2009/1546/P) have highlighted the need for careful consideration on the impact to the outlook, privacy and increased sense of enclosure to the occupiers at nos. 1 and 2 on Collage Lane.
- (i) Whilst the proposals have considered issues of daylight and sunlight and outlook, they have failed to consider the increased sense of enclosure that would occur to the occupiers at nos. 1 and 2 College Lane. Furthermore, the proposal includes provision of large terraces to the rear elevation which would allow a significant increase in the intensity of use of this area of the site, from which direct overlooking would occur and cause harm to the amenity of the occupiers of nos. 1 and 2, which would not be supported.
- (ii) The revised massing study shows a much lower extension, however it is unclear how this proposal would respond to the reasons for refusal of planning

application 2009/1546/P and subsequent appeal decision in terms of impact on neighbouring amenity. As part of further design iterations you would need to demonstrate that the proposed scheme would have an acceptable impact on neighbouring amenity when compared with the 2009 submission.

Standard of accommodation

- A dedicated entrance for private residential flats is proposed at no. 82 Highgate Road, accessed along the side of no. 80. The entrance area includes a foyer, bins and cycle storage, which is accepted. It is noted that the residential core has an opening from the shop. The residential core should be used solely for and by the residential occupiers and should not be accessed from the retail use unless clearly justified.
- The national minimum standards indicate that for 3bed 6p units over two floors a minimum of 102sqm should be secured; for 2bed 4p units 70sqm and for 1bed 2p units 50sqm. The proposal includes:
 - Two 3bed 6p residential flats over two floors with an area of 98sqm and 92sqm which is below minimum standards.
 - Three 2bed 4p residential flats with floor areas of 58.6sqm, 69.27sqm and 71.8sqm, where the latter is the only one which meets the minimum standard.
 - One 1bed 2p with a floor area of 57.14sqm which exceeds the minimum standard.
 - Overall, only two of the proposed units would meet national minimum standards which would not be supported in the event of a future planning application. You are reminded that these are minimum standards and in order to achieve a good standard of accommodation they should be at least met if not exceeded. Given the current pandemic and lockdown restrictions you are advised to consider additional internal space to accommodate working from home conditions.
- In relation to daylight and outlook it is noted that only two residential flats have dual aspect and the remaining four residential flats would have single aspect. You are encouraged to find a design solution and internal layouts which allow for all flats to have dual aspect. If any north facing units would be single aspect a Daylight/Sunlight report would be required to demonstrate adequate light levels could be achieved.
- In relation to noise transmission between residential units, it does not appear to be a clear strategy for bathroom positions to ensure adequate stacking. Also, there are instances where bedrooms are adjacent to living spaces from different flats which could have a harmful impact in terms of noise and disturbance.
- As highlighted in previous advice, it is noted that the retail units at ground level may require air conditioning units. You should carefully consider their location to ensure no harm to the amenity of the occupiers. You should develop an energy strategy for the whole site which takes into account cooling and heating for the retail space as well as new residential flats. A Noise and Vibration assessment should be provided as part a future submission.
- Overall, the proposed standard of accommodation is considered poor and inadequate due to the substandard units proposed, their internal layout and lack of dual aspect.

Sustainability and biodiversity

- The information submitted includes some indications in relation to suitability aspects of the scheme, however these are very general and not considered sufficient.
- It is noted that the proposals include the retention and full refurbishment of the host building which is accepted. Policy CC1 requires that new developments to be zero carbon and reduce carbon emissions through following the steps in the energy hierarchy; Policy CC2 requires new development to include green infrastructure, as well as bio-diverse roofs, green and blue which can be combined with red roofs (PV panels). To meet the path towards net zero, the proposed residential units should achieve Passivhaus design standards, “excellent” in BREEAM domestic refurbishment. Given the proposal includes the provision of six new units and energy statement would be required as part of further submissions to demonstrate what sustainability measures have been incorporated in the scheme.
- In order to achieve a net zero development, as part of the sustainability statement you need to provide a whole life carbon assessment which considers the operational carbon and embodied carbon of the proposals. You should establish the energy strategy for the whole building and explain what elements would be reused from the existing building, early in the design process. You are advised to follow LETI Climate Emergency design guide.
- As the building would include refurbishment of commercial space, refurbishment of residential and new residential space, the energy statement should demonstrate how the targets of Building Control, Camden Local Plan and Publication London Plan 2020 have been met for each area.

Transport

- In line with Publication London Plan 2020, the proposal for 6 new units, 2x3bed6p, 3x2bed4p, 1x1bed2p, should provide cycle stands for 11 cycles. The proposal includes provision of 11 cycle spaces on Sheffield cycle stands which would be accepted. Detailed drawings 1:20, 1:50 should be provided to demonstrate sufficient space is allocated for each bike and how these are accessed from the residential core.
- In line with policy T2 the proposed development would be car-free, to be secured via section 106 legal agreement.
- Due to the extent of the proposed works and their location, a Construction Management Plan (CMP) and a Construction Impact Bond would be secured as part of any subsequent planning approval.

Planning obligations

- In the event of a future successful planning application, for a development which took into account the advice above, the following it is likely to be secured via section 106 legal agreement:
 - Affordable housing (or HMO related) contribution
 - Construction Management Plan (CMP) and Construction Impact Bond
 - Car free development
 - Sustainability Statement

Recommendations

- Provide adequate justification for the loss of housing with shared facilities (HMO) at first floor level.
- Develop an energy strategy for the whole site and establish which elements of the existing building would be reused.
- Further develop the proposals following the submission of the revised massing scheme (ii) to include both options for the single storey roof extension.
- The design of the rear extensions should be coherent with the design of the proposed roof extension. This should carefully consider the nearby context and its scale.
- The proposal should not result in harmful overlooking nor sense of enclosure to the buildings at nos. 1 and 2 Collage Lane
- The proposed standard of accommodation should be of high quality, which exceeds the national minimum standards and provide dual aspect flats wherever possible.

The proposal would benefit from ongoing discussions regarding its land use, overall design and sustainability to ensure the highest possible quality of architecture and finish as well as to ensure an expedient decision at application stage. It was discussed during the meeting that a Planning Performance Agreement (PPA) would be the best way to facilitate this. Provisionally I would anticipate two design meetings, and one to cover other issues like land use, sustainability, standard of accommodation, before progressing to application stage; however the agreement is a live document and could be updated as necessary. A PPA would allow me to assemble a team to progress the application, with dedicated policy, design and conservation officers working on the case in order to ensure its delivery in a timely and efficient manner. I would strongly recommend your client enters into a PPA at this stage. Further details can be found at the following [link](#) and I have attached a draft template, but please do not hesitate to contact me directly to progress this.

Please see appendix 1 for supplementary information and relevant policies.

If you have any queries about the above letter or the attached document please do not hesitate to contact Nora Constantinescu (0207 974 5758)

Please Note: This document represents an initial informal officer view of your proposal based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

Thank you for using Camden's pre-application advice service; I trust this is of assistance in progressing your proposal.

Yours sincerely,

Nora Constantinescu

Planning Officer
Planning Solutions Team

Appendix 1:

Relevant policies and guidance:

- **National Planning Policy Framework 2019**
- **London Plan 2016**
- **Publication London Plan 2020**
- **Camden Local Plan 2017**
 - Policy G1 Delivery and location of growth
 - Policy DM1 – Delivery and monitoring
 - Policy D1 - Design
 - Policy D2 - Heritage
 - Policy A1 - Managing the impact of development
 - Policy A4 – Noise and vibration
 - Policy A3 - Biodiversity
 - Policy C4 – Safety and security
 - Policy C5 – Access for all
 - Policy CC1 – Climate change mitigation
 - Policy CC2 - Adapting to climate change
 - Policy CC4 – Air quality
 - Policy CC5 - Waste
 - Policy H1 – Maximising housing supply
 - Policy H3 – Protecting existing homes
 - Policy H4 – Maximising the supply of affordable housing
 - Policy H6 – Housing choice and mix
 - Policy H7 – Large and small homes
 - Policy H10 – Housing with shared facilities
 - Policy E1 – Promoting a successful and inclusive economy
 - Policy T1 – Prioritising walking, cycling and public transport
 - Policy T2 – Parking and car-free development
 - Policy T4 – Promoting sustainable movement of goods and materials
 - Policy TC1 – Quantity and location of retail development
 - Policy TC3 – Protecting shops outside of centres
 - Policy TC5 – Small and independent shops
- **Camden Supplementary Guidance 2021**
 - CPG – Design
 - CPG – Home Improvements
 - CPG – Amenity
 - CPG – Energy efficiency and adaptation
 - CPG – Biodiversity
 - CPG – Transport
 - CPG – Housing
 - CPG – Planning Obligations
- **Dartmouth Park Conservation Area Appraisal and Management Statement (2009)**
- **LDF Kentish Town Neighbourhood Plan (2016)**
 - Policy SW1 – Supporting small businesses
 - Policy D3 – Design principles

- Policy CC2 – Statement of community consultation and statements of neighbour involvement

Planning application information:

The following documents should be included with the submission of a full planning application:

- Completed full planning application form
- The appropriate fee
- Location Plan (scale 1:1250)
- Site Plan (scale 1:200)
- Floor plans (scale 1:50) labelled 'existing' and 'proposed'
- Elevations and sections (scale 1:50) labelled 'existing' and 'proposed'
- Section drawings (scale 1:50) labelled 'existing' and 'proposed'
- Demolition plans (scale 1:50)
- Design and Access and Statement
- Sustainability Assessment Report
- Noise Impact Assessment
- Draft Construction Management Plan

More about supporting information for planning applications [here](#).

We are legally required to consult on applications with individuals who may be affected by the proposals. We notify neighbours by displaying a notice on or near the site and placing an advert in the local press. We must allow 23 days from the consultation start date for responses to be received. We encourage you to engage with the residents of adjoining properties before any formal submission.