

<b>Delegated Report</b>		<b>Expiry Date:</b>		<b>24/01/2014</b>		<b>Officer:</b>		<b>David Peres Da Costa</b>	
<b>Application Address</b>			<b>Application Number(s)</b>		<b>1<sup>st</sup> Signature</b>		<b>2<sup>nd</sup> Signature</b>		
43 - 47 King's Terrace London NW1 0JR			2013/7486/P						
<b>Proposal(s)</b>									
Erection of roof extension at 3rd floor to provide 2x1-bed flats and alterations to mews elevation at 2nd floor.									
<b>Recommendation(s):</b>		Refuse planning permission							
<b>Application Type:</b>		Full planning permission							
<b>Consultations</b>		<b>Date advertised</b>		<b>21 days elapsed</b>		<b>Date posted</b>		<b>21 days elapsed</b>	
<b>Press notice</b>		12/12/13		2/1/13		<b>Site notice</b>		9/12/13	
								30/12/13	
		<b>Date sent</b>		<b>21 days elapsed</b>		<b># Notified</b>		<b># Responses</b>	
<b>Adjoining Occupier letters</b>		3/12/13		24/12/13		23		14	
<b>Consultation responses (including CAACs):</b>		<p>The 14 objections raised the following issues:</p> <ul style="list-style-type: none"> <li>• Scale layout and design is out of character and detracts from the existing building and the character of the mews</li> <li>• Does not preserve and enhance the character and appearance of the conservation area</li> <li>• Harm to amenity of occupiers of King's Terrace and Bayham Street in terms of loss of privacy and harmful overlooking; overshadowing and outlook; loss of sunlight, daylight; loss of natural ventilation to communal areas; overbearing appearance; a new wall being built approximately five metres away from a habitable room of my flat</li> <li>• Lack of affordable housing</li> <li>• Construction will cause disruption and block access to the Terrace for businesses and residents</li> <li>• Unacceptable density</li> <li>• Impact on drainage system</li> <li>• Aggravate access problems on King's Terrace</li> <li>• Further demand on already stretched services</li> </ul> <p><u>Camden Town CAAC – object</u></p> <p>King's Terrace was built in the 1830s and in its southern section has some good examples of unaltered mews buildings. In the northern section, where the proposed building is sited, only No 41 survives, but the 20th century replacements are varied in character and have kept the original two-storey scale. An exception is the block in this application, Nos 43-47, which is now three storeys. We feel that the character and variety of the these- two storey buildings should be followed and for this reason we strongly object to this proposal to erect a fourth storey on Nos 43-47.</p> <p>Secondly, we consider the quality of the design to be very poor. The repetition of the</p>							

elevation of the first floor of Nos 43 and 45 on the second floor is inappropriate in a mews characterised by variety in every property. And the recessed glass 'penthouse' effect for the fourth storey is also uncharacteristic in an area where slate mansards with dormers predominate.

Thirdly, the increased bulk of the proposed Nos 43-47 will dominate the end of this mews and overshadow the buildings opposite.

One objection has been withdrawn and consequently has not been included in the total figure of 14 objections.

## Site Description

The site is a part 3 and 4-storey buildings with basement and mansard roofs fronting Camden High Street, and 2-storey buildings with mansard roofs fronting King's Terrace. The ground and basement floors are in retail (Class A1) and business (Class B1) use. The upper floors of the buildings fronting Camden High Street and the part second floor and all of the third floor of the King's Terrace buildings are in residential use (13 private residential flats). The first and part second floor of the King's Terrace buildings is in Class B1 use. The building falls within the Camden Town Conservation Area.

## Relevant History

**2005/5294/P & 2005/5295/C:** Demolition of existing buildings and construction of a part 3, 4 and 5-storey plus basement buildings for retail use (Class A1) at basement and ground floor level fronting Camden High Street, business use (Class B1) at ground, 1st, 2nd and 3rd floor level fronting King's Terrace, and 13 residential units (Class C3) on the upper floors. Granted Subject to a Section 106 Legal Agreement 20/03/2006. The officer's committee report notes the following: *The proposed development provides 13 residential flats, entirely for private market housing. Adopted and revised UDP policies HG11 and H2 require a contribution to affordable housing only where 15 or more residential units are proposed, or where the total area of residential floorspace is considered capable of providing 15 dwellings (i.e. where the amount of proposed residential floorspace exceeds 1,500m<sup>2</sup>). In this case the number of units proposed and the amount of residential floorspace proposed (1,328m<sup>2</sup>) fall below the policy thresholds. The lack of affordable housing is therefore acceptable. The location of the business use within a narrow building at upper floor level suggests that its potential for future use is limited to office uses, but there is no policy reason to discourage new office uses within a town centre location. Equally one could argue that the B1 floorspace is not particularly suited to residential use given it faces onto a narrow mews used as access. On balance, it is not considered that the B1 floorspace proposed is not an unnecessary or wasteful use of floorspace, and there is no reasonable grounds to argue that any of the commercial space would be better provided as residential floorspace. However it would be pertinent to include terms in the s.106 agreement to ensure that in the event that additional residential floorspace or units were provided within the development via change of use or extension, that the affordable housing requirements of policies HG11 and H2 be triggered.*

**2008/5068/P:** Amendments (relating to fourth floor terrace, alterations to fenestration of Flat 13, alterations to windows on upper levels of rear of Camden High Street elevation and windows/doors onto King's Terrace, alterations to shopfront, increase in height of fourth floor, and creation of terrace at second floor level) to planning permission granted subject to a S106 agreement on 20/03/06 (2005/5294/P) for demolition of existing buildings and construction of a part 3, 4 and 5-storey plus basement buildings for retail use (Class A1) at basement and ground floor level fronting Camden High Street, business use (Class B1) at ground, 1st, 2nd and 3rd floor level fronting King's Terrace, and 13 residential units (Class C3) on the upper floors (as amended by certificate of lawfulness dated 18/01/08, 2007/5993/P and planning permissions granted 21/07/08 2008/1379/P & 2008/1519/P). Granted Subject to a Section 106 Legal Agreement 08/05/2009

**2008/1519/P:** Amendments (relating to elevational changes to Camden High Street and Kings Terrace) including the installation of an electricity sub-station to the King's Terrace elevation to planning permission granted subject to a S106 agreement on 20/03/06 (2005/5294/P) for demolition of existing buildings and construction of a part 3, 4 and 5-storey plus basement buildings for retail use (Class A1) at basement and ground floor level fronting Camden High Street, business use (Class B1) at ground, 1st, 2nd and 3rd floor level fronting King's Terrace, and 13 residential units (Class C3) on the upper floors (as amended by certificate of lawfulness dated 18/01/08, 2007/5993/P). Granted Subject to a Section 106 Legal Agreement 08/05/2009

**2013/5808/P:** Change of use at first and second floors from offices (Class B1a) to 3 x 2 bed flats (Class C3). Grant Prior Approval 05/11/2013 (GPDO Prior approval Class J change of use B1 to C3)

## **Relevant policies**

### **LDF Core Strategy and Development Policies**

CS1 (Distribution of Growth)

CS5 (Managing the Impact of Growth and Development)

CS14 (Promoting High Quality Places and Conserving Our Heritage)

DP3 (Contributions to the supply of affordable housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP16 (The transport implications of development)

DP18 (Parking standards and limiting the availability of car parking)

DP20 (Movement of goods and materials)

DP24 (Securing High Quality Design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the Impact of Development on Occupiers and Neighbours)

### **Camden Planning Guidance**

### **Camden Town Conservation Area Statement**

**London Plan 2011**

**NPPF 2012**

## Assessment

**Proposal:** Consent is sought for an extension at 2<sup>nd</sup> floor level (changing the mansard to a sheer storey) and at 3<sup>rd</sup> floor level. Part of the extension at 3<sup>rd</sup> floor level would be set back from the King's Terrace elevation. The extension would provide two one bedroom flats at 3<sup>rd</sup> floor level.

It is noted that prior approval was granted for the change of use at first and second floors from offices (Class B1a) to 3 x 2 bed flats. This change of use has not yet been implemented.

### Assessment:

#### Design:

The conservation area statement indicates the following: *The commercial area east of the High Street has succumbed to development pressure and is therefore densely developed. Between the High Street and Bayham Street, a series of mews run north south: Greenland Place, Pratt Mews and King's Terrace. For many years the piano industry was concentrated in these mews, now disappeared. Other commercial uses are retained, although some residential redevelopment has taken place in recent years. The predominantly two-storey buildings give the narrow passages their special scale.*

The officer's delegated report for the original approval notes that the King's Terrace elevation proposes a traditional approach to the mews facade taking cues from original features for the buildings 43-47 King's Terrace, and creation of a new infill 'nib' element adjoining the Argos building accommodating an office unit at ground level with two storeys of residential units above. It also notes that the original proposal was revised during the application to remove 3<sup>rd</sup> floor level accommodation above the King's Terrace building. The officer's report notes that 'this was considered inappropriate in design terms, being above the established three-storey building height established for King's terrace and was deleted on officer advice'.

The existing building with mansard roof and nib relates sympathetically with the predominantly 2 storey mews. The proposed loss of the mansard to create a sheer storey at 2<sup>nd</sup> floor level with third floor level set back above would be out of character with the predominantly two storey mews and would be harmful to the well-considered design of the host property. The proposed alterations would therefore harm the character and appearance of the conservation area.

#### Amenity:

The flat created at 2<sup>nd</sup> floor level would have a window only 4.6m away from the windows of an existing flat at this level. This could create harmful overlooking and loss of privacy. If approval was recommended a condition for obscure glazing would be included. The distance between the existing flats at 3<sup>rd</sup> floor level and the proposed 3<sup>rd</sup> floor level extension would be approximately 7.5m for one flat and 6.9m for another flat. Although the proposed extension has a pitched roof at rear 3<sup>rd</sup> floor level, the proposed extension would still harm the outlook of these flats.

#### Affordable Housing:

The legal agreement relating to the original permission including the following text:

*If at any time after the date of this Agreement any further planning permission is granted to develop any part of the Property for residential purposes the Owner shall not permit implementation of that planning permission until such time as it has entered into an agreement under Section 106 of the Act with the Council to secure a due proportion required by the Council's Development Plan policies in force at that time of total residential units approved by the Council within the property as a whole (excluding the two existing residential units forming part of the Planning Application) as Affordable Housing in accordance with the Council's adopted development plan policies.*

As 2 additional units are being provided the total number of units within the property as a whole would be 13 (excluding the two existing residential units forming part of the original application). The proportion of affordable housing applying Camden's sliding scale would be 13%. The contribution to the supply of affordable housing should be secured by means of a Section 106 Legal Agreement.

Lifetime homes:

The 3<sup>rd</sup> floor units comply with all relevant Lifetime Homes criteria.

Residential development standards:

The 2 one-bedroom flats at 3<sup>rd</sup> floor level have 71sqm and 56sqm of floorspace. The flats have generous space standards and exceed Camden's residential development standards for a dwelling for 2 persons (48sqm). The bedroom sizes also comfortably exceed the minimum required for a 1<sup>st</sup> or double bedroom.

Mix of units:

The proposal development provides 2 x one-bedroom flats. The mix of units is considered acceptable.

Transport:

The applicant has stated in their submission that the units would be car free and that they would enter into a legal agreement to ensure the units remained car free. The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent) and is easily accessible by public transport. It is within a controlled parking zone CA-F(s), which operates between 8.30am and 6.30pm Monday to Friday and between 9.30am and 1.30pm on Saturday and Sundays. The whole of zone CA-F is classified as being stressed, with the ratio of permits to spaces being 1.03 (or 103%). The property is also located within Camden Town Centre and so is ideally situated to be designated as car free, i.e. no car parking should be provided and the occupants will be unable to obtain on-street parking permits from the Council. This should be secured by means of a Section 106 Legal Agreement.

Cycle Storage

The Council cycle parking standard is for 1 space for each dwelling. The submitted drawings show additional space at ground floor level for cycle parking. This is considered adequate and if approval was recommended the retention of this space would be secured by condition.

Construction management plan

King's Terrace is a narrow mews which is only accessible from Plender Street. Given the potential access difficulties a construction management plan (CMP) is required. This would cover the period from commencement to full operational occupation of the development to manage on- and off-site construction traffic, delivery and removal of materials, and any temporary changes to other traffic movements in and around the site. The CMP should be secured by means of Section 106 Legal Agreement.

**Recommendation:** Refuse planning permission