

5 October 2013

Statement of Case –

2A Conway Street, London W1T
6BA

Appeal Ref:

APP/X5210/A/13/2206683

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1. Introduction

1.1 2A Conway Street is a three-storey building in mixed use with a gallery on the ground floor on the south eastern side of Conway Street close to the junction with Maple Street. It is not listed but is located within the Fitzroy Square Conservation Area.

1.2 An application for planning permission was submitted by the appellant, Ms Rebecca Hossack, to the London Borough of Camden on 5 June 2013. This application received one objection from a neighbouring occupier.

1.3 This Statement of case responds to the London Borough of Camden's refusal to grant planning permission on 5 April 2013 for:

"erection of a roof extension with terrace over, creation of a terrace at third floor level and enlargement of rear second floor level terrace through the erection of a metal platform and creation of a doorway, all in connection with the provision of a studio".

2.0 Site and Surroundings

2.1 2A Conway Street is a commercial property situated on the south eastern side of Conway Street close to the junction with Maple Street. It comprises ground and three upper floors with a roof terrace at rear second floor level. The property is currently used as an art gallery with ancillary office space above

The property is not listed but is located within the Fitzroy Square Conservation Area.

2.2 The immediately surrounding area to 2A Conway Street is in mixed use. Adjoining 2A Conway Street to the north is a pub whilst to the south, separated by a passageway at ground floor level, is 2 Conway Street which is divided onto four flats. To the rear is a large office building with residential flats on the XX floor. On Maple Street to the south east there are both residential properties and offices as well as a Council-owned social services facility..

3.0 Planning History

- 3.1 In June 2006 planning permission was granted for change of use of the ground floor from office use (Class B1) to retail use (Class A1) as an art gallery.

- 3.2 In May 2007 planning permission was granted for the retention of a new ground floor frontage to the art gallery.

- 3.3 In October 2011 an application for the erection of an additional storey at roof level with rooflights, photovoltaics and green roof; creation of a terrace on the roof of the extension at rear third floor level and rear second floor extension; and extension of the existing terrace in connection with the provision of a studio flat within the roof extension.

- 3.4 In April 2013 planning permission was refused for the erection of a roof extension with terrace over, creation of a terrace at rear third floor level and enlargement of the rear second floor level terrace through the erection of a metal platform and creation of a doorway, all in connection with the provision of a studio flat within the roof extension.

4.0 Application History

- 4.1 The main concerns about the appeal proposal relate specifically to the impact of the roof extension and the south terrace on the occupiers of 44 Maple Street and 2D Conway Street. The proposal itself was considered to compliment the host building and would preserve and enhance the character and appearance of the conservation area. The addition of a studio flat was also considered acceptable.
- 4.2 It should be noted that this application was submitted to the London Borough of Camden in June 2012. A decision on the application was not made until 5 April 2013.
- 4.3 The application was written up for planning approval on the 11 July 2012 and the applicant advised as such, but due to an objection from an adjoining owner, the case was referred to the Member's Briefing Panel where it was decided to refer the application to the Planning Committee for decision.
- 4.4 Subsequent to this decision by the Members' Briefing Panel, during a case review for the Planning Committee agenda, it was decided that the application should be refused following a review by a senior planning officer with the case officer in October 2012. A further site visit was not undertaken and neither were the new concerns discussed with the applicant. The applicant was also not advised to provide supporting evidence that met with the requirements of Camden Planning Guidance CP6 to demonstrate that any concerns about the development were unfounded or could be overcome.

5.0 Grounds of Appeal

5.1 The reasons for refusal in the decision letter dated 5 April 2013 are in summary that:

“The proposed roof terrace and screening to the fourth floor terrace by virtue of their bulk, mass and proximity to habitable rooms at 2D Conway Street and the flat at fourth floor level at 44 Maple Street would result in a loss of outlook to the habitable rooms at these flats to the detriment of the amenity of their occupiers”;

“The proposed roof terrace on the roof of the extension by virtue of its proximity would result in an increased in overlooking and loss of privacy to these properties to the detriment of their occupiers”;

“Insufficient information has been provided to demonstrate that the development would not have an adverse impact upon the residential amenity of the occupiers of the residential units at second and third floor level at 2 Conway Street in terms of daylight”

“The proposed development in the absence of a legal agreement would contribute to parking stress”.

5.2 2 Conway Street is a corner property which adjoins 2A Conway Street. It comprises a flat at basement and ground floor level and three flats above at first, second and third floor level. The third floor flat has access to a flat roof which adjoins the roof of 2A Conway Street. This flat roof is used

as a roof terrace and has a semi-permanent gazebo. This use does not have the benefit of planning permission.

44 Maple Street comprises basement, ground and three upper floors. The property is in multiple occupation comprising twelve small rooms each with their own bathroom; kitchen facilities are shared.

5.3 The London Borough of Camden's initial consideration of the appellant's proposal in July 2012 was that:

- the privacy screens and obscured glazing would address any overlooking issues with respect to 2D Conway Street, 44 Maple Street and County House at the rear, albeit that County House is at some distance from the appeal site;
- the existing outlook of Flat 2D Conway Street and the top floor of Maple Street are already dominated by the roof of 4 Conway Street so there would be no material change in outlook, and the lower floors already look out directly on to the flank wall of 2A Conway Street;
- the set back of the roof extension and its lower height when compared to the roof of Conway Street would not result in a significant loss of light that would harm the occupiers of 2d Conway Street;
- daylight to the occupiers of 2 Conway Street and its flat roof and 44 Maple Street are already compromised by 2a and 4 Conway Street.

Given the above the application was recommended for

approval subject to a s106 agreement with respect to car free developments.

5.4 The appellant concurs with the consideration of the appeal proposal as above. The amount of sunlight reaching the windows in question at 44 Maple Street and 2 Conway Street would hardly be affected and that, although there would be an effect on the amount of daylight reaching some of these windows, it would not amount to a significant reduction. In terms of outlook the roof extension will be set back from the parapet and will sit in front of the higher roof and party wall to 4 Conway Street, but this impact should be assessed in the context of the area and the nature of the site and surrounding properties.

5.5 The Delegated Officer's report considers the application in some detail. Concern is expressed that the appeal proposal's roof top terrace will result in overlooking of the roof terrace at 2D Conway Street and into the bedroom windows of 2D Conway Street. As stated above the roof terrace at 2D Conway Street does not have the benefit of planning permission or an established use certificate. With respect to overlooking there is already access to the roof of 2A Conway Street so overlooking already occurs. The appellant would have considered removing the roof top terrace had further discussions on the proposal taken place.

5.6 The Delegated Officer's report assesses in some detail the impact on daylight to the bedroom and terrace of 2D Conway Street. With respect to the impact on 2D Conway Street the appellant has sought the advice of a specialist

advisor who has advised that the appeal proposal does not present any issues with respect to daylight to 2D Conway Street.

- 5.7 The appellant is prepared to sign a section 106 agreement with respect to car free development. The matters for consideration for this appeal therefore relate only to the impact of the proposal on 44 Maple Street and 2 Conway Street.

6.0 Conclusion

- 6.1 The appeal proposal will comply with the terms of Camden Core Strategy Policy CS5 which protects neighbours' amenity. There are therefore insufficient reasons to justify withholding planning permission.