

# 2013/3887/P – 11 Richborough Road



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Rear elevation



Application site

<b>Delegated Report</b> Members Briefing		Analysis sheet		Expiry Date:	08/10/2013
		N/A		Consultation Expiry Date:	12/09/2013
Officer			Application Number(s)		
Seonaid Carr			2013/3887/P		
Application Address			Drawing Numbers		
11 Richborough Road London NW2 3LU			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use to HMO comprising 6 rooms (Class Sui Generis) and erection of rear and side dormer extensions and installation of rooflight to front roofslope.					
Recommendation(s):		Grant conditional permission subject to Section 106			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	04	No. of responses	08	No. of objections	08
			No. electronic	08		
Summary of consultation responses:	<p>A site notice was displayed between 23 August 2013 and 12 September 2013.</p> <p>7 objections were received from local residents, a summary of which is provided below:</p> <ul style="list-style-type: none"><li>• The multiple dwellings already in Richborough Road have presented to other residents regular public disorder and crime related incidents, residents have to endure antisocial behaviour;</li><li>• There is already insufficient parking spaces to allow for further HMO developments;</li><li>• The proposed rooflight will affect the aesthetic look of the Victorian houses in the street;</li><li>• We believe the property is already used as a multiple occupancy dwelling;</li><li>• Proposed conversion will change the character of the road and put additional pressure on the parking in the road;</li><li>• Previous issues with building in rear garden which has since been demolished;</li><li>• Likely to increase noise levels for near neighbours;</li><li>• Such a use results in disruptive, anti-social behaviour;</li><li>• Detrimental impact on amenity and character of this quiet and neighbourly residential road;</li><li>• Contrary to Mayor of London initiative to improve Cricklewood as a place to live, work and play;</li><li>• Obvious the 'store room' in the roof will become a seventh room;</li></ul> <p>Fortune Green Ward Councillor Russell Eagling objected to the proposal, his comments are summarised below:</p> <ul style="list-style-type: none"><li>• Pressure on parking, rubbish and littering; however these are more acute so close to the busy and more commercial part of Cricklewood Broadway;</li><li>• Given the roads location adjacent to the boundary with Brent and Barnet where they have special parking for town centres which makes Richborough Road particularly intense;</li><li>• Transport links poor, no tube and the railway station has a limited number of trans and bus services are erratic;</li><li>• There is a concentration of HMOs in the area that the Fortune Green Road Safer Neighbourhood team and committee regard as quite a problem area;</li><li>• Most of the flats above Cricklewood Broadway are HMOs although they may not be registered as such, therefore there is a large population of people who 'pass through';</li></ul>					

	<ul style="list-style-type: none"> <li>• The local forum working on a Neighbourhood Development Plan are aware of this and is seeking planning solutions to the anti-social behaviour issues that exist in Cricklewood;</li> <li>• This application will exacerbate the number of the issues that we as Councillors are working hard to combat.</li> </ul> <p><b>Officer comment:</b></p> <ul style="list-style-type: none"> <li>• Concerns in respect of the proposed use as a HMO and concentration of HMOs in Richborough Road are addressed within section 2 of the report under land use;</li> <li>• Issues in respect of increased car parking are addressed within paragraph 5.2;</li> <li>• Objection raised on the proposed front rooflight is address within paragraph 3.4;</li> <li>• Concern in respect of waste is addressed in paragraph 6.1.</li> </ul>
CAAC/Local groups comments:	N/A

## Site Description

The application site comprises a two storey semi-detached residential property situated on the northern side of Richborough Road, close to its junction with Fordwych Road. The use of the property is discussed within the history section below.

The property is not listed nor is it located within a Conservation Area.

## Relevant History

**2009/2918/P** – Certificate of lawful development for erection of single-storey building in rear garden to provide gym with shower & toilet in connection with existing single-family dwellinghouse. Application granted.

Following complaints to the planning enforcement team in 2011 that a building at the rear was not erected in accordance with the plans submitted under application 2009/2918/P and that the structure would lead to more bedsits at the property. A planning contravention notice (PCN) was served in respect of this development and alleged use of the property as a House in Multiple Occupation and other building works carried out involving single storey rear extensions to the property.

**2011/0528/P** – Certificate of lawful development for extension and alteration including the enlargement of existing rear extension, the erection of a side extension with two roof lights, the enlargement of existing rear extension, a mansard roof extension with two velux windows to the front elevation, and windows to the rear elevation of residential dwelling. Application recommended for refusal on grounds that the property is not a single dwelling, application withdrawn prior to decision being issued.

**2011/3546/P** - Erection of single-storey outbuilding in rear garden (Retrospective). Application refused on design grounds. Application dismissed at appeal, the Inspector did not address the use of the outbuilding.

**EN11/0360** – An enforcement notice was issued on 30 August 2012 with a compliance date of 30 December 2012 with regard to the erection of single storey detached building in rear garden laid out as a self-contained dwelling. The notice specified that the building and all associated debris had to be completely removed from the site. The structure was removed in March 2013.

## Relevant policies

### The National Planning Policy Framework (2012)

### The London Plan (2011)

### LDF Core Strategy and Development Policies(2010)

CS4 Areas of more limited change

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS10 Supporting community facilities and services

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

DP2 Making full use of Camden's capacity for housing

DP9 Student housing, bedsits and other housing with shared facilities

DP16 The Transport Implications of Development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP24 Securing high quality design



**Camden Planning Guidance**

CPG1 Design (2013)

CPG6 Amenity (2011)

CPG7 Transport (2011)

**Assessment**

**1. Proposal**

1.1 Planning permission is sought for the change of use to a 6 bedroom HMO together with the erection of a rear and side dormer roof extensions and installation of front rooflight.

1.2 As the applicant has confirmed they consider up to ten people would live in the property the HMO would fall within the Sui Generis use class. The Use Class C4 allows occupation by no more than 6 persons.

1.3 The proposed rear dormer would measure 3m deep, 1.2m wide and 1.9m high. The dormer would be set down 1m from the ridge of the roof and 1m in from the eaves. The dormer would incorporate a one over one sash window.

1.4 The proposed side dormer would measure 1.2m wide with a part flat part pitched roof measuring 1.4-2.2m in height. The flat roof part of the dormer would measure 2.8m. The dormer would incorporate a top hung casement window.

1.5 The proposed front rooflight would be flush with the plane of the roof and measure 0.7m by 1.2m.

**2. Land Use**

2.1 The existing lawful use of the property is unclear at present. It appears from planning history that during site visits to the property previous case officers noted it was laid out similar to a House of Multiple Occupancy (HMO). For a property to be in lawful use as an HMO it has to be in continuous use as such for 10 years.

2.2 The Councils private sector housing have records of an application form being sent to the owner at the time to register the property as an HMO in 1999, however there is no record it was returned to the Council and the case was closed in 2000.

2.3 To establish the lawful use of the building the applicant would have to submit a Certificate of Lawfulness (Existing) to demonstrate its use as either a single dwelling or HMO, the onus is on the applicant to establish the use.

2.4 Although the lawful use of the building is not established, the current application would grant permission for use as a 6 bed HMO (sui generis).

2.5 Policy DP9 supports the provision of shared accommodation provided it does not involve the loss of permanent self-contained homes. If the lawful use of the property were to be a self-contained home (Use Class C3), then the proposal would be contrary to this aspect of policy. The lawful use of the property is not established, notes on the previous applications suggest the Council did not and doesn't now consider it to be a single dwelling, and thus the application is considered to serve to regularise an existing HMO use, and is not considered to constitute the loss of a single dwelling.

2.6 In terms of whether the proposed use as an HMO is appropriate. The property is located within an area which has very good access to public transport (PTAL 5) and is in close proximity to the Cricklewood Neighbourhood Centre, at the end of Richborough Road, which offers shops and

services to the local community. As such in terms of its location the proposed use would be acceptable.

2.7 In terms of the standard of accommodation, DP9 states that the Council will support development of housing with shared facilities provided they comply with relevant standards for HMOs. For HMOs it is expected that double rooms are 11sqm, single 9sqm, bath/toilet 2.8sqm and shower/toilet 2.2sqm. The room size relates solely to the living area and not the sanitary facilities within the room. The proposed rooms, minus the en-suites which are shown on the plans would accord with the required space standards and as such would be of a suitable standard in this regard. Bedrooms 1, 2, 4 and 5 would be suitable for double occupancy and bedrooms 3 and 6 as single occupancy.

2.8 Given the provision of two kitchen/dining areas it is considered the owners are anticipating an occupation of 10 persons. The owner has confirmed that there will be a maximum of 10 occupiers living at the property. The number of occupiers would be controlled via the HMO license, an informative will be placed on the decision advising the applicant to submit an HMO license prior to the commencement of works.

2.9 There are other standards which the building would have to accord with to be issued a HMO license in terms of health and safety.

2.10 With regard to creating an over-concentration of HMOs in the local area, the Council's private sector housing section have noted that generally HMOs are scattered throughout the borough rather than concentrated in one or two areas. Given the information available, it cannot be said with any certainty that there is a higher concentration in the Richborough Road area than elsewhere. As such it is considered the proposed use would not result in an over-concentration in the local area.

2.11 Concern has been raised by neighbouring residents that the loft would be converted into another bedroom. However this planning permission only allows for a six bed HMO, should the roof level be used as another room it would be liable to require a further submission of planning permission to change it to a 7 bed HMO.

2.12 In light of the above, it is considered the proposed change of use would not be an unacceptable form of development, the proposed HMO would accord with the spirit of policies CS6 and DP9.

### **3. Design**

3.1 The proposed dormers are considered to be modest additions to the parent building. In terms of their siting both would be set down from the roof ridge by 1m and set in from the eaves, although slightly less on the side dormer it is not considered to cause harm to the character of the parent building. The rear dormer would align with the French doors at ground floor level, although the side dormer would only partially align with the windows in the elevation below, given this is a secondary elevation and as the window at first floor level is narrow it is not considered its siting would cause harm to the character and proportions of the parent building.

3.2 With regard to scale as both dormers would measure 1.2m wide they are not considered to dominate the roofslope and would read as separate small projections on the roof surface.

3.3 In terms of material, the proposed dormers would be tiled with asphalt roof and UPVC windows. The proposed use of tiles to clad the dormers would ensure they integrate well with the existing tiled roof. No objection is raised to the use of UPVC in this instance as the property has existing UPVC windows to the ground floor level and as it is not located within a conservation area there is not such a strong preference for using timber.

3.4 No objection is raised to the proposed front rooflight, given it would be flush with the plane of the roof and would not dominate the front roofpitch it is considered it would not cause detrimental harm to



views of the property from the surrounding streetscene.

3.5 When considering the proposal within the context of the surrounding area, the adjoining semi-detached property has been extended by way of a dormer which is wider than what is being proposed within this application. There are a further two properties which have been extended by way of roof extensions within this side of Richborough Road. Therefore the proposed development would not appear incongruous in the context of the locality.

#### **4. Amenity**

4.1 Given the siting of the proposed dormer extensions these would not result in loss of sunlight or daylight to neighbouring residents, neither would there be an impact on residents outlook as a result of the proposed roof extensions.

4.2 In terms of privacy the rear dormer would not provide any increased opportunity to overlook neighbouring residents, over and above that which can already be achieved at first floor level. With regard to the side dormer, given the proximity of the application property with the adjoining neighbour No.10 which is separated by a 1.7m wide passage, it is not considered the view from the dormer would provide views into the neighbouring property, given its height in relation to neighbouring windows. As the side dormer would serve an internal stair when standing on the stair adjacent to the window 1.7m (the average eye height) would be 0.4m above the height of the sill of the window, therefore it would not provide views into neighbouring windows.

#### **5. Transport**

5.1 The site is within a PTAL rating of 5 with very good access to public transport. The site is also within CPZ CAQ.

5.2 The application is not seeking to provide any car parking as part of the development. To ensure the development is car free a Section 106 will be used to ensure that no future occupiers will be able to apply for a car parking permit, therefore the development would not add additional strain to the surrounding transport network.

5.3 In terms of cycle parking, the applicant is not proposing any cycle parking as part of the development. However to ensure the provision of cycle parking, a condition will be used to secure details of cycle parking within the site boundary prior to the commencement of development, the approval details will be implemented prior to occupation. As all residents will have access to the rear garden there is the opportunity for the cycle store to be in the rear garden or within the garden area to the front of the property.

#### **6. Waste**

6.1 No information has been provided with regard to how the waste generated by the future occupiers would be managed. However given the property is one unit, it would operate similar to a single dwelling and it is likely occupiers would store bins within the property until weekly collection. It is not considered a condition will be required for further details.

**7. Recommendation:** Grant conditional permission subject to section 106.

#### **DISCLAIMER**

Decision route to be decided by nominated members on Monday 14<sup>th</sup> October 2013. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'

Studio 136 Architects Ltd  
122 Kenton Road  
Kenton  
Middlesex  
HA3 8AL

Application Ref: **2013/3887/P**

10 October 2013

Dear Sir/Madam

**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:  
**11 Richborough Road**  
**London**  
**NW2 3LU**

Proposal:  
Change of use to HMO comprising 6 rooms (Class Sui Generis) and erection of rear and side dormer extensions and installation of rooflight to front roofslope.

Drawing Nos: OS Sitemap, D\_13\_11RR\_001 Rev A and D\_13\_11RR\_002 Rev A,

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans OS Sitemap, D\_13\_11RR\_001 Rev A and D\_13\_11RR\_002 Rev A,

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Before the development commences, details of secure and covered cycle storage area within the site boundary shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

#### Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website

<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 You are advised of the requirement under Part 2 of the Housing Act 2004 for the mandatory licensing of Housing in Multiple Occupancy, please contact the Council's Private Sector Housing (020 7974 4444) section to discuss how to apply for the license, prior to the commencement of works.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

**DRAFT**

Culture and Environment Directorate

**DECISION**