

Delegated Report		Analysis sheet	Expiry Date:	06/03/2013
		N/A / attached	Consultation Expiry Date:	5/2/2013
Officer			Application Number(s)	
John Nicholls			2013/0135/P	
Application Address			Drawing Numbers	
8 Agamemnon Road London NW6 1DY			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from a 7 unit HMO (sui Generis) and 2 self-contained studio flats (C3) to dwelling house (Class C3), and associated erection of ground floor side and rear extension.				
Recommendation(s):		Refuse Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	20	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>No site or press notices were required for this application. Twenty letters were sent to adjoining occupiers and one letter of objection was received as a result. This is summarised as follows:</p> <ul style="list-style-type: none"> • The properties are located on a road which is a hill and the properties are stepped up the hill in pairs. Consequently No. 8 is half a storey above the neighbouring property. • Therefore, the proposed side extension would be nearly half a storey above the ground floor level of the neighbouring house which would cause extensive loss of daylight and privacy. • There is no drainage for the flat roof of the extension which would run off directly into the neighbouring property. • The property backs directly onto Gondar Gardens reservoir which I believe is a designated wild life site and there are a lot of trees on the site. • There is no access to the rear except through the property. • While I have no objection to the property being re-instated as a home, I do object to the extension on the side. 					
CAAC/Local groups* comments: *Please Specify	Not within a CA.					

Site Description

The site is a 3 storey terraced house on the west side of Agamemnon Road, close to its junction with Achilles Road. The application site is not located within a Conservation Area, nor is it a Listed building but does back onto Gondar Garden's reservoir site which is designated Metropolitan Open Land.

The property was previously used as a homeless hostel and more recently as an HMO with 9 units within it with a capacity for 13 persons.

Relevant History

PW9702663 – Certificate of Lawfulness for existing Hostel for homeless persons – Granted - 16/10/1997

Flats 3-4 and 7-9

2008/3353/P, 2008/3354/P, 2008/3368/P, 2008/3369/P and 2008/3370/P - Application for certificate of lawfulness of existing use as a self-contained studio flat (Class C3) – all Refused – 25/9/2008

Flats 5 and 6

2008/3355/P and 2008/3367/P - Application for certificate of lawfulness of existing use as a self-contained studio flat (Class C3) – both Granted – 25/9/2008

8-10

2004/4435/P - The change of use from a hostel to an 18-bed house in multiple occupancy (HMO) – Withdrawn - 17/02/2006

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PW9702664 - Certificate of Lawfulness for existing Hostel for homeless persons – Granted - 16/10/1997

Flats 3-9

2008/3371/P – 2008/3377/P (inclusive) - Application for certificate of lawfulness of existing use as a self-contained studio flat (Class C3) - all Granted - 25/09/2008

Relevant policies

LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

DP2 – Making full use of Camden's capacity for housing

DP5 – Homes of different sizes

DP9 – Student housing, bedsits and other housing with shared facilities

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance: 1. Design, 6. Amenity

NPPF - 2012

Assessment

Proposal

The proposal seeks to convert the property from a 7 unit HMO (Sui Generis) and 2 self-contained studio flats to a single dwelling (C3) and erect both side and rear wrap around extension.

Change of use

The property is listed on the Design and Access Statement as an HMO (C4) use class. However, the property comprises 9 units, two of which have a certificate of lawfulness as self-contained studio flats (No.'s 5 and 6) and therefore there are 7 bed-sits within the property. Therefore, the property is not considered to be in the C4 use class but the sui generis use class because there are more than 6 units within the property.

Camden's policies DP2 and DP9 both relate to Housing. Policy DP2 specifically resists the loss of housing within the borough especially in part d) of the policy which seeks to:

Protect residential uses from development that would involve a net loss of residential floor space, including any residential floor space provided:

- within hostels or other housing with shared facilities;

In Policy DP9, the Council will resist development that involves the net loss or self-containment of bedsit rooms or other housing with shared facilities unless either;

- it can be demonstrated that the accommodation is incapable of meeting the relevant standards for HMO's;
- adequate replacement housing with shared facilities is provided elsewhere;
- the development provides student housing that meets the terms of the licensing requirements and close to the institutions they will serve within based in Camden or an adjoining borough;
- the development provides self-contained social rented houses.

Supporting paragraph 9.15 suggests that some HMO accommodation created before the 2004 Housing Act is unlikely to meet current standards and may require extensive and costly works of refurbishment or conversion to meet them. Where it can be demonstrated that accommodation with shared facilities is incapable of meeting the minimum standards the Council will not resist its development for an alternative form of housing.

The applicant discusses policy DP5 in the Design and Access statement and states that *the current layout of 1 bedroom/studios are of low priority*, and that *the proposal involves returning the property to its original use as a five bedroom single dwelling*.

Policy DP5 seeks to ensure that all residential development either new build or conversions, has regard to different sized dwelling priorities for social rented, intermediate affordable and market homes and will expect a mix of large and small homes.

In supporting paragraph 5.9 it states that conversions involve the loss of existing homes should also comply with Policy DP2.

The property is still a licensed HMO, which was issued in November 2008, and which is up for renewal. Therefore, the property has the potential to meet the minimum standards and could be issued a renewed license, and therefore the Council is keen to retain the use as an HMO. Furthermore, the applicants have not shown how replacement housing will be provided to overcome the loss in line with policy DP9.

Therefore, the proposed change of use from 7 unit HMO (Sui Generis) and 2 self-contained studio

flats to a single dwelling (C3) is considered to be contrary to policies DP2 and DP9 of Camden's LDF 2010.

Design

The existing closet wing measures 5.9m deep and the proposed extension would measure 8.9m deep with the wrap around, some 3m off the end of the rear extension. The extension would also cover the full width of the site at 6.1m wide.

The materials are proposed to be yellow London stock brick with a coping stone boundary edge on the flanks and the rear elevation. The rear elevation of the extension would have a set of timber sliding folding doors measuring 4.45m wide. One large 2m wide lantern style rooflight would be fitted in the rear part of the extension and three x1m wide rooflights would be fitted along the roof of the infill section. The materials and finishes are considered acceptable.

The rear garden measures 10m approximately from the rear of the closet wing extension and the site is bounded by trees and Gondar Gardens Reservoir site at the rear.

The proposed wrap around extension is acceptable in terms of its materials and design, but is considered to be excessively large and bulky. The extension would not be subordinate to the building harming the character and proportions of the original building, contrary to policy DP24.

Amenity

The proposed infill and wrap around extension is located on the boundary adjacent to a property down the slope from the proposed extension, No. 6 Agamemnon Road. The down slope property is approximately 67.5cm below the level of the proposal site (9 brick courses and mortar when counted between window headers).

The proposed side extension is to be 2.7m high on the boundary and have a flat roof. Adding in the levels difference would make the eaves 3.37m high on the boundary. The width between the flank of the closet wing and the extension measures 2.2m.

The site runs north-east to south-west front to rear and the neighbouring property in question lies to the south and therefore, the site orientation means that the rear ground floor rooms receive little daylight with no development in this location.

Therefore, due to the length of the proposed extension and the height alongside the difference in levels the Council has concerns that there would be a harmful impact on sunlight and daylight into both the rear room of the neighbouring property (a bedroom) and the room within the closet wing which has windows facing the extension. As a result the proposal is considered to be too high and bulky and therefore cause harm to the amenity of the neighbouring property by way of loss of daylight and an increased sense of enclosure and is therefore considered to be contrary to Policy DP26.

Recommendation: Refuse Planning Permission

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