

## **PLANNING, DESIGN AND ACCESS STATEMENT**

Use of ground floor front basement as a 1 person studio (residential) and formation of lightwell  
and lightwell screen at

29 Chalton Street  
London, NW1 1JD

February 2013

Statement prepared by DBPLANNERS LTD  
on behalf of  
Mr Ansari

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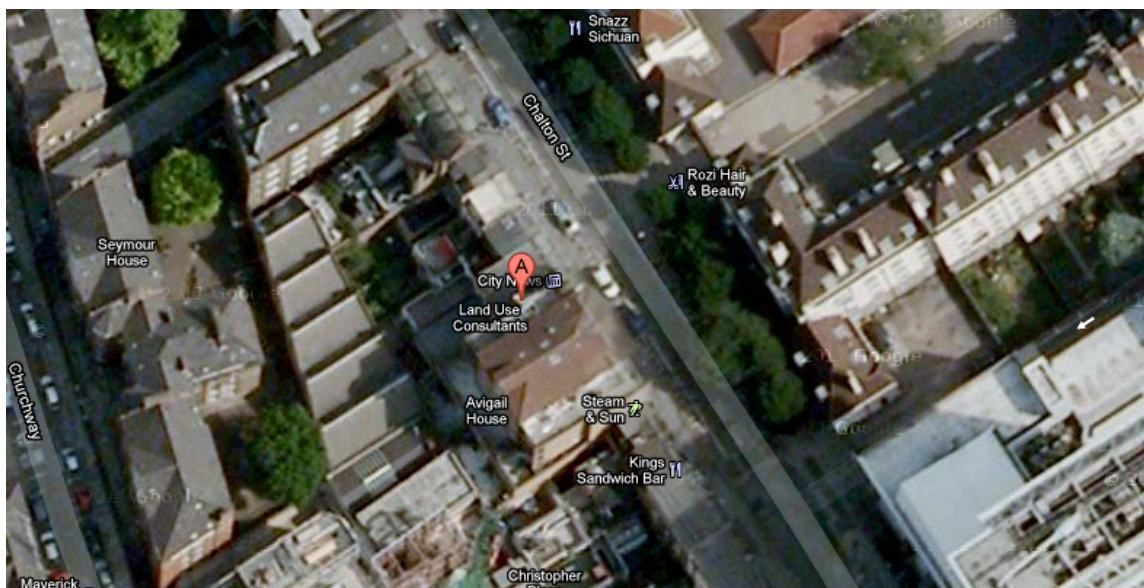
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Application site marked in red 'A' above.

### **Site and Surroundings**

The site houses a 5 storey mid terrace building. The building includes a mix of residential flats and ground floor commercial unit which until recently has been used as a tailor service but is presently vacant. The basement has a lawful rear facing residential flat and an empty front facing separate basement area.

The building sits within a wider terrace of mixed use buildings that also include intermittent commercial units on the ground floor and purpose build flats and flat conversion units.

The site is within walking distance of local shops, services, community facilities and a wide range of bus, rail and tube networks.

The site is not within a conservation area or listed or locally listed. There are no trees on site.

### **Local and National Planning Policy Context**

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

- CS3 Other highly accessible areas
- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS7 Promoting Camden's centres and shops
- CS11 Promoting sustainable and efficient travel
- CS14 Promoting high quality places and conserving our heritage
- CS18 Dealing with our waste and encouraging recycling
- CS19 Delivering and monitoring the Core Strategy
- DP2 Making full use of Camden's capacity for housing
- DP5 Homes of different sizes
- DP6 Lifetime homes and wheelchair homes
- DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- 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  
DP26 Managing the impact of development on occupiers and neighbours  
DP27 Basements and lightwells  
DP30 Shopfronts

### **Camden Planning Guidance 2011**

CPG1 - Design  
CPG2 – Housing  
CPG4 – Basements & lightwells  
CPG5 Town Centres, retail and employment  
CPG6 – Amenity  
CPG7 - Transport

### **Revised Planning Guidance for Central London Food, Drink and Entertainment, Specialist and Retail Uses 2007**

### **NPPF 2012**

#### **Relevant Planning History**

2006/5445/P	Change of use of ground floor from (B1) Office to (A2) Financial/Professional Services. Granted 13/02/2007
2005/4593/P	Erection of a rear second floor and mansard roof extension and internal works of conversion in association with the creation of 2 x 1 bed flats at basement and roof level, and 2 x 2 bed flats at first and second floors. Granted 23/12/2005
PS9705281R1 30741	Installation of a shopfront. Granted 06/03/1998 Change of use from betting shop with ancillary storage to retail shop on the ground floor and a self-contained maisonette on the first and second floors. Granted.
CTP/L13/11/3/17757 5836	Installation of new satin anodised aluminium shop front and doors to existing licensed betting office. Granted 14/02/1974 The erection of a rear addition at ground floor level at 29 Chalton Street, Camden and the installation of a new shop front. Granted 18/12/1968
556	To continue use of the ground floor of 29, Chalton Street, Camden, as a licensed betting office. Granted 28/07/1965

#### **63 Chalton Street**

2008/0813/P	Change of use and works of conversion from retail use (Class A1) at ground and basement level to residential use (Class C3) to provide a 2-bed self contained flat and associated external alterations to the shopfront and the opening up of the front lightwell. Granted 24/09/2008
2012/2048/P	Change of use from retail (Class A1) to 2-bed self contained flat (Class C3) at ground floor level, retention of studio flat at basement level, creation of light well to front of property with associated railing, replacement of shop front with 2x windows and 1x door at ground floor level and installation of 1x window and 1x door at basement level to front elevation and 2x windows at ground floor level to rear elevation. Refused – Appeal Dismissed.

### **Material Consideration**

The council will be mindful of the appeal decision APP/X5210/A/12/2180548 which was issued on 10<sup>th</sup> December 2012 in relation to application 2012/2048/P which in part included a provision to use the basement (front) for a 1 person residential studio with lightwell and screen.

Whilst this appeal was dismissed, largely due to concerns over the proposed change of use of the ground floor retail unit, the inspector did make supportive comments in relation to the use of the basement for residential use. The inspector was supportive of the overall layout and size of the studio unit and its use as a dwelling in principle. The inspector also agreed there was no real scope to provide lifetime homes changes to make the basement unit attractive for such a use. The inspector also agreed that in principle the lighting of the basement unit was not so limited to warrant refusal and an appropriate solution could be found to satisfy this issue. The inspector finally suggested given the site's location a car free agreement would be reasonable to seek.

The present scheme has expanded upon a light solution put forward in the appeal process and now seeks only the use of the basement for residential purposes with the exclusion of the ground floor development from the scheme.

The appeal decision is a material consideration in the determination of this application and should be afforded significant weight. A copy of the decision is attached with the application.

### **Planning Appeal Assessment**

Full planning permission is sought for the use of the front facing basement area to be used as a 1 person studio apartment with a new lightwell to be formed with a ground floor light well screen.

Key elements of the proposal are:

#### Basement studio unit

The basement level unit will provide accommodation for a single occupancy use. The appellant is led to believe prior to his purchase of the site the space was used as a residential studio albeit without planning permission for a number of years. The sales particulars of the property indicate that the front basement space has been UNOFFICIALLY USED as a residential unit for several years, the applicant was informed this may have been 5 years or more however the applicant did not investigate further as he had no immediate interest in using the space for residential purposes as other more pressing refurbishment works and the change of use of the vacant shop were his priority. A copy of the sales particulars is submitted as well.

However since taking over the property the basement space is empty. The proposal seeks to have formal consent for the studio unit however with a more open plan layout that will benefit from an opening up of the light well in front of the ground floor retail unit. New windows will also increase the source of light into the unit. Internally the unit would benefit from space for a shared bedroom, living room and kitchenette and a separate bathroom.

The unit would be suitable for single occupancy use only and as an entry level dwelling suitable for more mobile tenants/student seeking to be close to local employment areas and universities.

The studio unit would be accessed via an existing side door which already provides access to the basement flat to the rear and flats above the existing commercial unit.

The Council is requested to note that with the advent of technology and modern furnishings, modern flats can readily be filled with flat panel televisions, multi functional storage units, laptops and compact utility units which combined can significantly reduce floor space demand within units and allow more openness within residential units.

The front fascia of the shop would be replaced with a pair of windows to reflect the more residential character of the overall building.

Overall the development will provide a good living environment for the future occupants of the residential units. All the tenants will be close to local shops and services and will have good access to local amenities and public transport networks.

#### Principle of development

The site is located within the built up area and as such the principle of new residential development is considered acceptable. The immediate area is characterised by a mix of small commercial units with residential apartments. The proposal through modest conversion works would deliver good quality living accommodation in an energy efficient way and within a sustainable location.

The proposal would result in the loss of ancillary storage space which is independent of the ground floor retail shop. There is no internal access from the basement to the shop and the only access point to the basement is via the separate side entrance which provides access to the lawful residential flats on the basement rear and across the floors above. Any use of the space for other employment use would be unrealistic as it would require access via a residential door point and its internal space would not be attractive for such a use.

The development would therefore not result in any significant or attractive employment space and its re-use for a modest entry level residential dwelling would be in accordance with the aims and objectives of the National Planning Policy Framework.

#### Character & Design

Given that the proposal largely relates to internal works the overall presentation of the building would not significantly change. The formation of the light well would make use of an existing open area that is covered by glass blocks and the addition of the modest light 1.1m glass and steel screen around the opening would not detract from the setting of the frontage character of the premises. The most recent appeal also concluded that the introduction of a railing screen in a similar position would not be out of keeping with the local urban features found on the immediate setting.

Changes to the building would not therefore harm the character of the wider streetscene.

#### **Appeal Decision APP/X5210/A/12/2180548**

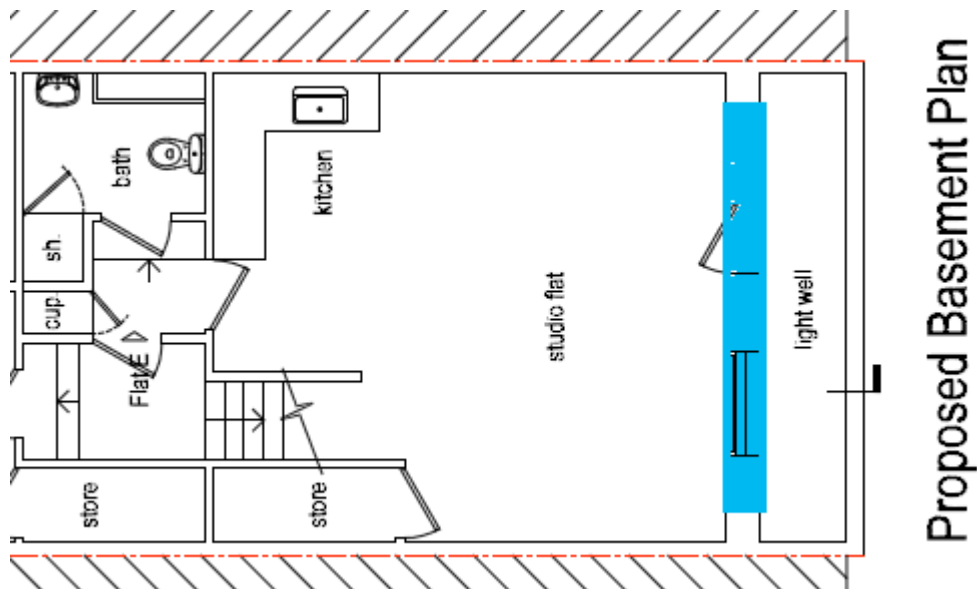
***17. A lightwell would be formed in front of the proposed basement flat with railings around it. I noted at my visit that a number of properties a short distance to the north of the appeal property had a similar arrangement in front of them although they are, in the main, located outside the Neighbourhood Centre. Whilst there would be a slight incongruity in the provision of the proposed lightwell and railings in this more commercial part of Chalton Street I do not consider there would be material conflict with CS policy DP27 or CPG45 which provide detailed guidance on such provision.***

With respect to internal floor space for the basement unit, the 38sqm unit would be larger than the 32sqm it normally seeks for a 1 person occupancy unit. The open plan layout is indicative of a studio layout whereby no defined walls separate the bedroom area from the kitchen or dining space. The purpose of a studio is normally to provide a single open plan space that allows a greater degree of multiple uses of the same space. The Council had previously suggested that the layout lacks any dedicated bedroom which was argued at the time as incorrect assessment. Rather the consideration should be is the space and circulation space of a size that can accommodate a bed, storage space, bathroom and general eating/cooking area. In that regard the space exceeds the Council's standard by some 6sqm or 15%. Therefore it would be reasonable to assert that the overall open plan floor space is sufficient in size to meet the storage, living and sleeping need space of a single occupancy use. The Council will note that the most recent appeal decision did find that the basement proposal was of a sufficient size to meet the occupation of a studio unit. The additional floor space provides a greater degree of internal amenity and open space for greater circulation of shared light space.

With respect to light, it is common place to find basement flats within the area and in highly built up city centre areas, especially on older buildings which benefit from basement levels. In many instances such units have single aspect outlooks, such as the existing flat on the rear half of the basement on the same site.

The proposed light well will provide sufficient light to the basement which is also open plan in nature to ensure maximum flow of unobstructed natural light. The current proposal for full width and fold back windows will improve the degree of light entering the basement unit compared to the previous scheme considered by the appeal inspector. Together with the lightwell sufficient light would be provided to the open space within the basement.

Below is an informal draft plan shown to the inspector during the previous appeal determination. The applicant suggested this amended arrangement would allow greater light into the basement to address the council's concerns. The inspector's response is below.



**Appeal Decision APP/X5210/A/12/2180548**

**20. The Council's concern in respect of this issue is restricted to the basement studio flat which it does not consider meets its minimum residential standards. It notes that no separate bedroom is provided and due to its orientation and limited fenestration it would not receive adequate daylight and sunlight. Consequently, it claims the scheme would not accord with the Council's guidance in CPG26.**

**21. The appellant states that the open plan layout of the basement accommodation is indicative of a studio layout with no defined walls to separate the bedroom from the kitchen/living area. Whilst I accept that the layout conflicts with the Council's standards in that regard I note that CPG2 does suggest that design solutions that allow flexibility to accommodate changing lifestyles can be considered, including open plan layouts. Consequently, I do not consider the harm to living conditions from the proposed layout would be significant or conflict materially with the Council's standards provided in CPG2.**

**22. The daylight and sunlight entering the basement accommodation through the fairly limited glazed area at the front of the unit indicated on the scheme drawings would be significantly below the Council's standards. The appellant indicates that the level of provision is not unusual for basements in urban areas and could be increased by providing a wider window. I consider that the scheme would offer scope for improving the provision of daylight and sunlight and agree with the appellant that an improved arrangement for that part of the scheme that would be much closer to meeting the Council's standard could be secured through a planning condition, if all other matters were acceptable.**

**23. I conclude on this issue that whilst the scheme as submitted would give rise to some limited harm to future occupiers of the basement studio it would not conflict materially with the Council's standards in CPG2 if an appropriate planning condition was attached to a planning permission, if all other matters were acceptable.**

The current scheme has expanded on the draft amended layout submitted to the inspector and the new scheme very much expands the level of light into the basement to a degree that would address the concerns raised by the council previously and in line with the expectations that the matter could be resolved as indicated by the appeal inspector.

#### Amenity space

The application site does not benefit from onsite amenity space to serve the basement studio. This is far from uncommon for residential units located within built up city centre areas where public open space and private open space is rare and at a premium. In this instance the site is close to local shops, services and transport networks which are considered to be of a higher priority to the potential future occupants than any small onsite amenity space.

The Council will also be mindful of the need to provide for a range of dwellings which include entry level accommodation with no onsite amenity space to meet the varied housing demands of the borough's residences. It is noted that the Council did not raise objection on lack of amenity grounds during the previous submission which included the basement studio.

#### Highways & Parking

The proposal does not seek to provide any onsite parking space. The proposal seeks to utilise existing built up floor space through conversion works but no new floor space will

be added. The existing basement studio is of a modest scale that it would not generate any material increase to traffic congestion in the area.

The Council will appreciate that the thrust of the new National Planning Policy Framework seeks to ensure where possible all developments are energy efficient and sustainable. In addition the former PPG13 guidance note sought to ensure developers should not only provide parking provisions to a level they themselves wished to provide.

In this instance the absent of parking for the small scale residential studio is not uncommon, especially for higher density residential developments found in city centre locations.

The site is within the defined city centre that is served by a broad range of shops, medical services as well as local schools. The site is also well served by buses, trains and tube stations.

Notwithstanding the above, if the Council is of the opinion that a car free agreement will be required the applicant will be willing to enter into such an agreement and the Council is requested to make contact at the earliest if such an agreement is required so it can be done during the application process if not by way of condition.

#### Renewable Energy

The proposed development has been designed to meet at least 10% predicted energy needs from onsite/ decentralised renewable energy technologies as well as embracing principles of sustainable design and construction.

Such measures have been detailed below

#### *Energy efficiency*

- High levels of insulation to the floors and walls
- Double-glazing to all windows and external doors
- Carefully designed economic and efficient central heating system with high efficiency boilers and heating controls.
- Low energy lighting will be used on this development.

#### *Water Conservation*

- Low water use appliances both sanitary and kitchen to be utilised, as well as shower.

#### *Development*

- Future occupants will be encouraged to use the local authority recycling facilities.
- Convenient access to local public transport including bus and rail services within walking distance of the town centre.

#### Residential Amenity

The proposed conversion works to form the basement studio would not materially alter the overall level of intensification on the site. From an external perspective the changes to the front ground floor area to form the light well and screen would not harm the amenities of the streetscene. The internal layout and use of the basement as residential use would not harm the daylight, amenities and privacy of any existing flats within the main building or neighbouring properties.

#### Lifetime Homes

In terms of lifetime home the Council should be mindful of the need to provide a range of residential dwellings to meet the Council varied housing demands and that placing



demands on every additional dwelling, especially smaller studio units to be converted for lifetime home requirements is onerous and impractical. Such measures and housing needs can readily be delivered through larger new housing and flat schemes but should not be imposed on smaller housing and conversion schemes.

The present flats are the result of existing conversions and not new, therefore a flexible approach should be adopted, and notwithstanding this each future occupier of the studio has the option not to rent/buy the unit if it does not meet his/her own lifetime residential requirements.

In any event the provision of lifetimes homes would be difficult and impractical to provide for the basement studio due to its location and access limitations.

### **Appeal Decision APP/X5210/A/12/2180548**

***25. ....The appellant acknowledges that it would be difficult and impractical to make such provision for the proposed basement studio as the Council argues. However, I lean more to the view of the appellant that in respect of the proposed conversion of the basement a pragmatic, flexible approach should be adopted. In this case I am of the view that the harm from non-compliance with policy DP6 would be limited and the conflict with CS policy DP6 would not be material.***

### **Conclusion**

The site is located within the existing built up area where the principle of new residential development is acceptable. The proposal would result in an efficient use of land whilst providing a form and scale of development that would continue to respect the pattern of mixed use development in the immediate area. The studio dwelling would positively contribute to various housing needs of the local area, especially providing much needed entry level affordable housing.

The formation of a light well and light well screen would not materially harm the setting of the existing building or that of the wider streetscene where similar developments can be found.

The studio layout will be provide a good living environment to meet the needs of the unit's single residential occupancy.

It has been demonstrated that the development will not have any material impact upon the amenity, daylight or privacy of occupiers of neighbouring dwellings or the host property to be retained.

Future occupants would be within walking distance to local shops, services and public transport networks. The proposal would result in a sustainable form of development.

The development is based on principles of good urban design. There is no conflict with national planning policies and the relevant local plan policies.

The development would therefore be in accordance with the thrust of local planning policies and the National Planning Policy Framework.