

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>04/12/2012</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	22/11/2012
<b>Officer</b>			<b>Application Number(s)</b>		
Jason Traves			(1) 2012/5370/P (2) 2012/5502/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
33 Conway Street London W1T 6BW			Refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
(1) & (2): Erection of rear extension at lower ground and ground floor level, reinstatement of balcony at front first floor level all in connection with change of use of 1 dwelling house to 2 x self-contained maisonettes (1 x 3-bed, 1 x 4-bed) (Class C3).					
<b>Recommendation(s):</b>		(1) Grant Planning Permission (2) Grant listed building consent			
<b>Application Type:</b>		(1) Full Planning Permission (2) Listed Building Consent			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notices</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>25</b>	No. of responses	<b>02</b>	No. of objections	<b>01</b>
			No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>A site notice was displayed between 24/10/2012 expiring on 14/11/2012 and a public notice displayed in the local press on 01/11/2012, expiring on 22/11/2012. One letter of objection has been received on behalf of the occupier of flat 1 No. 31 Conway Street (maisonette flat at ground floor and basement). A summary of the objections are as follows:</p> <p>Amenity impact:</p> <ul style="list-style-type: none"> <li>• Overshadowing of amenity space in rear at basement and ground level from increase in height of rear projecting element;</li> <li>• Loss of daylight and sunlight to the interior of premises;</li> <li>• Increased height would appear overwhelming from the basement level;</li> <li>• Issue of overlooking by windows</li> <li>• Concern that flat roof of rear extension could be used as a roof terrace and request a condition be imposed to address this issue</li> </ul> <p>Other matters:</p> <ul style="list-style-type: none"> <li>• References to communication directly between the objectors representative and the planning agent in respect of various points raised above as well as, the circumstances of the previous withdrawn application and any weight it has to the current assessment.</li> </ul>					
<b>CAAC/Local groups* comments:</b> *Please Specify	N/A					

## Site Description

The application site is a mid-terrace dwelling of 5 storeys (basement to 3<sup>rd</sup> floor) benefitting from basement light wells to the front and rear. Direct staircase access is provided for the front light well.

The property is Grade II listed and forms part of a terrace group of 6, dating from c.1788. The properties are located within the Fitzroy Square Conservation Area (Adopted 16 Mar 2011) and in the London Central Activity Zone (CAZ).

## Relevant History

### Application site:

Withdrawn applications 2012/2955/P & 2012/3005/L: Erection of rear extension at lower ground and ground floor level, creation of roof terrace at rear first floor level, alterations to fenestration on rear elevations and installation of roof light on third floor roof, reinstatement of balcony at front first floor level all in connection with change of use of 1 x 4-bedroom dwelling house to 4 x self-contained flats (2 x 1-bed, 1 x 2-bed and 1 x 3-bed) (Class C3).

### Neighbouring site: 31 Conway Street

PS9704123R1 & LS9704122R1(LBC): Change of use and works of conversion to form a self-contained maisonette at basement/ground floor levels and second/third floor levels, and a self-contained flat at first floor level – Granted 26.11.1997

PS9704123: Refurbishment of dwelling from two maisonettes to three dwellings comprising two maisonettes and one flat – Granted 10.09.1997

Withdrawn application LS9704122: Refurbishment of dwelling from two maisonettes to three dwellings comprising two maisonettes and one flat.

### Neighbouring site: 35 Conway Street

2005/0961/P & 2005/0962/L: Change of use (and associated LBC works) of the basement from retail (Class A1) to a 1 bedroom self-contained residential flat (Class C3), together with new basement doors and windows, an access stair to the street, and the replacement of existing lightwell railings incorporating a new gate to the stair – Appeal allowed 22.11.2005 (PINS ref: APP/X5210/A/05/1185702)

2005/0575/P: Certificate of Lawfulness for a proposed use of the basement and ground floor as a coffee shop (within class use A1) – Granted 07.04.2005

2003/1655/P & 2003/1682/L: Conversion of basement from ancillary retail storage into two self contained studio flats and associated external (and associated internal LBC) works – Refused 11.11.2003

### Neighbouring site: 30 Warren Street

9100385 & 9170074: Conversion of upper floors into one 1-person flat and one 3-person maisonette and various external alterations including enlarged dormer window and new staircase access to basement – Appeal allowed 30.01.1992 (PINS Refs: T/APP/X5210/A/91/194305/P8 & T/APP/X5210/E/91/808399/P8)

8500064: Change of use of the basement from storage to light industrial use – Granted 13.02.1985

M12/27/19/36763: Works of alteration to No. 30 Warren Street, W1, involving the erection of an additional floor, and balconies on the first and second floors at the rear, in connection with the change of use of the upper parts of the property to form a dwelling house – Granted 02.11.1983

M12/27/19/34789: Works of conversion to provide a self-contained single family dwelling unit on the first, second and third floors – Granted 08.11.1982

### Neighbouring site: 1 Warren Mews

2010/1126/P & 2010/1133/C: Renewal of planning permission [2007/0975/P] and CAC [2007/0976/C] both

granted on 23/05/2007 for the erection of a two storey house with excavated lower ground floor following demolition of existing building and change of use from office/studio flat to a single family dwelling (Class C3) – Granted 20.04.2010

2007/0975/P & 2007/0976/C: Demolition and erection of two storey house with excavated lower ground floor following demolition of existing building and change of use from office/studio flat to a single family dwelling (C3 use class) – Granted 23.05.2007

## **Relevant policies**

### **National Planning Policy Framework 2012**

### **London Plan 2011**

### **LDF Core Strategy and Development Policies 2010**

#### **LDF Core Strategy**

CS1 Distribution of growth  
CS3 Other highly accessible areas  
CS5 Managing the impact of growth and development  
CS6 Providing quality homes  
CS9 Achieving a successful Central London  
CS11 Promoting sustainable and efficient travel  
CS13 Tackling climate change through promoting higher environmental standards  
CS14 Promoting high quality places and conserving our heritage  
CS17 Making Camden a safer place  
CS18 Dealing with our waste and encouraging recycling  
CS19 Delivering and monitoring the Core Strategy

#### **LDF Development Policies**

DP2 Making full use of Camden's capacity for housing  
DP5 Homes of different sizes  
DP6 Lifetime homes and wheelchair homes  
DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP18 Parking standards and limiting the availability of car parking  
DP19 Managing the impact of parking  
DP22 Promoting sustainable design and construction  
DP24 Securing High Quality Design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP27 Basements and lightwells

#### **Camden Planning Guidance 2011**

CPG1 Design  
CPG2 Housing  
CPG3 Sustainability  
CPG4 Basements and Lightwells  
CPG6 Amenity  
CPG7 Transport  
CPG8 Planning Obligations

#### **Fitzrovia Area Action Plan (Draft, Nov 2012)**

#### **Central London Planning Guidance 2007**

#### **Fitzroy Square Conservation Area Appraisal and Management Plan (16 Mar 2010)**

## Assessment

### The proposal

Planning permission is sought for erection of rear extension at lower ground and ground floor level and for reinstatement of balcony at front first floor level in connection with change of use of 1 dwelling house to 2 x self-contained maisonettes (1 x 3-bed, 1 x 4-bed). The rear extension is located within an existing lightwell at the rear of the building and thereby reduces the remaining volume and does not otherwise impinge on neighbours. The front first floor balcony proposed, would face Conway Street and is typical for terraces in central London.

A LBC application is made for the corresponding internal and external alterations to facilitate the conversion from a single dwelling to 2 no. flats.

Amendments: In respect of amendments in the course of the assessment, it should be noted that the agent has agreed to delete the proposed raising of the parapet walls including the party wall to the rear which is shared with No. 31 Conway Street, on account of the abovementioned objection. The agent has also accepted a condition to confirm that there is no alteration to the parapet walls including the party wall, notwithstanding the approved plans. As such, the built form relationship to this neighbour is unchanged.

The principal considerations which are material to the determination of this application are:

- principle of development;
- design and appearance;
- quality of the proposed housing;
- Neighbour amenity
- Transport;
- Sustainability, and
- Planning obligations.

### Principle of development

Conversion of a single dwelling into two dwellings which are still large, family-size accommodation accords with Camden policies CS6 and DP2 which seeks to maximise the supply of additional housing. It is also noted that there is a medium priority in the market sector for 3 and 4 bedroom dwellings which this scheme would contribute towards in accordance with policy DP5. Nevertheless, it should be noted that paragraph 6.39 of the Core Strategy states that the specified dwelling size priorities are a borough-wide objective and should not be used to prescriptively to determine the mix of individual sites.

### Design and appearance

External changes for the purposes of planning permission are the reinstatement of the front first floor balcony and the rear basement and ground floor extension which essentially involves the infill of an existing well situation.

Otherwise, external changes for the most part relate to the listed building matters including: repair/replacement of existing features such as roof, brickwork and render; reinstatement of features such as tradition window fenestration; as well as removal of redundant soil pipes at the rear.

In terms of the internal changes to the listed building, these relate to floorplan modifications to facilitate the creation of the two no. flats.

In respect of the internal and external changes, the Conservation officer has sought clarifications and agreed subtle changes to the detailed design, being nonetheless satisfied with the proposal as revised to recommend approval. The proposal is acceptable in this regard and planning and LBC applications are recommended for approval subject to an appropriately worded condition to secure the required detailed design treatments.

In summary, the changes are considered appropriate and acceptable, positively preserving and enhancing the character and appearance of the host building, the terrace and the Fitzroy Square conservation area. The proposal is thereby considered to accord with policies CS5 'Managing the Impact of Growth and Development', CS14 'Promoting High Quality Places and Conserving our Heritage', DP24 'Securing High Quality Design', DP25 'Conserving Camden's Heritage' which are concerned with, amongst other things, achieving high quality design and appearance as well as considering the impact upon the host building, street scene and the wider

context.

### Quality of proposed housing

Camden's CPG2 and the London Plan state that new self-contained dwellings should satisfy the following minimum areas for overall floorspace:

No. Persons	1	2	3	4	5	6
CPG2 – min floorspace (sqm)	32	48	61	75	84	93
London Plan – min floorspace (sqm)	37	50	61	70/74	86/90	95/99

In addition, Camden Planning Guidance also requires first and double bedrooms to measure a minimum of 11.0m<sup>2</sup>. The application proposes 1 x 3-bed, 1 x 4-bed. The flats exceed the minimum total floorspace requirements at 154sqm and 187sqm respectively and exceed the minimum requirements for double bedrooms. The proposed development is fully compliant with Camden Planning Guidance and the London Plan with regard to overall size of flats and the size of the bedroom.

Flat 1 which would occupy the basement and ground floor level would also benefit from a dual aspect by virtue of the existing front and rear light wells. Utilising the rear projection as habitable floor area with the outlook provided by the light well is not untypical in an inner London situation and is reflective of development along this terrace. In addition, the scheme is supported by a BRE Daylight and sunlight assessment of proposed flat 1 showing that the habitable rooms achieve the required levels of daylight and sunlight.

In respect of flat 2 it would occupy floors 1 to 3 of the existing dwelling and which dual aspect. Therefore, acceptable levels of light, ventilation and outlook at upper levels are unchanged compared to the existing situation. In addition, the levels of Daylight and sunlight meet the minimum BRE guidelines as indicated in the supporting assessment report.

In addition adequate space for the storage of refuse and recycling is provided by the existing basement level storerooms which are unchanged and directly accessible to the street frontage.

In respect of Lifetime homes, the scheme seeks to address the 16 criteria except where this is not possible given the inherent constraints posed by an existing building and its statutory Grade II listing. Council's access officer is satisfied that all reasonable means have been taken to achieve compliance with the exception of adequate bathroom facilities at basement level for flat 1. Although a revised bathroom design has not been supplied in the available assessment timeframe, Council's access officer is satisfied that there is sufficient floorspace for the detailed design of the bathroom can be secured by condition.

### Neighbour Amenity

Consideration of any amenity impacts to neighbours is a requirement of policy CS5 'Managing the Impact of Growth and Development', CS9 'Achieving a Successful Central London' and DP26 'Managing the Impact of Development on Occupiers and Neighbours'.

In respect of the rear extension, this is entirely contained within the existing well situation. Since the scheme has been amended to remove any changes to the party wall shared with no. 31 Conway Street, there is no altered built form relationships and therefore, no impacts posed. This includes any daylight, sunlight or overshadowing impact greater than the existing situation as the scheme has been amended to delete the changes to the parapets and party wall. It is noted that this aspect was deleted from the application in the interests of expediency and in the absence of any supporting detailed BRE daylight, sunlight and overshadowing assessment to quantify the level of impact of the raising the parapet wall between 20-30cm. It is questionable if this impact would indeed to be significant to warrant refusal given the minimal change involved in this location and context. Nor would this change if it were still included be considered to pose any significant loss of outlook or be considered overbearing to the neighbour at no. 31 Conway Street.

In terms of privacy and overlooking, opening size and locations are essentially unchanged on the principal front and rear façade and as such, there is no new, additional or cumulative impacts to neighbours to consider. Adjustments to opening at basement and ground floor within the well situation are contained therein and do not pose any new, additional or cumulative impacts to neighbours. In respect of the objection, the submitted drawings sufficiently and clearly identify that none of these well openings directly face the neighbours, are

otherwise in the same locations as existing openings and are not considered to pose any impact or be impacted upon to warrant changes such as obscure glazing.

The rear extension also poses no significant impact to the separate well situation of no. 30 Warren Street. The well situation of no. 30 Warren Street is from ground floor upwards. Its openness and outlook will not be encroached upon by the subject proposal which maintains the open well adjacent to the well of no. 30 Warren Street. Both the well situations of 30 Warren Street and the application site will remain otherwise open to the sky and unchanged from above ground floor.

Note there is no effect to the properties to the rear being no. 1 Warren Mews as it presents blank walls to the application site.

In respect of the impact of the front first floor balcony, this feature is typical of inner London terraced streets. Any privacy, overlooking, noise or general disturbance is therefore not uncharacteristic nor inappropriate in this context. Furthermore, the balcony is narrow and would serve only limited use and therefore, is not considered to pose significant impacts to occupiers across Conway Street to take a different approach to the individual circumstances of this application.

In terms of the construction phase, the size and nature of the proposal does not suggest that any significant impact are likely to warrant a construction management plan (CMP) pursuant to CPG6 'Amenity', noting that if this were a requirement that it would be secured as a head of term in the s106 planning agreement. Notwithstanding, it is noted that: any unreasonable or excessive noise or disturbance is covered by the Environmental Protection Act 1990; and any effect on the public highway in the course of construction would be subject to control by Camden's Highways team.

Therefore, there are no significant impacts identified to neighbours to warrant refusal.

## **Transport**

London Plan chapter 6 policies consider the integration of transport and development, connecting London, ensuring better streets as well as specifying parking standards. Policies support the objective of London being a city which is easy, safe and convenient for everyone to access jobs, opportunities and facilities with an efficient and effective transport system which amongst other things, encourages more walking and cycling. Camden policies CS9 'Achieving a Successful Central London' and C11 'Promoting Sustainable and efficient Travel' also seek to promote sustainable transport including walking and cycling and public and improvement to streets and places.

The application includes provision of covered and secured cycle storage within existing storage rooms accessed from the front lightwell. The spaces are directly accessible to the ground floor street frontage. A total of 6 spaces are nominated on the plans, exceeding the minimum requirements contained in appendix 2 parking Standards of Camden Development Policies.

In addition, a recommendation for approval is subject to a planning obligation being entered to for the scheme to be car free in accordance with Camden policies CS11, DP18 and DP19.

## **Sustainability**

Having regard to the criteria DP22 and CPG3, it is unlikely that the scheme will be able to incorporate any significant energy efficiency and renewable measures beyond the requirements of the Building Regulations having regard to the constraints of working within the existing building which is statutorily listed and which is sited within a conservation area. Therefore, it is considered onerous in this case to require details to be supplied by an appropriately worded condition in accordance with CPG3 part 4 'Energy Efficiency: existing buildings' to cover limited if any features beyond what would be picked up in Building Regulations.

## **Planning obligations**

In the case of an approval and accordance with CS19 'Delivering and Monitoring the Core Strategy' and CPG8 'Planning Obligations', the following obligations would be sought in support of ensuring the development is sustainable, to meet the particular needs and requirements for the operation of the scheme and to mitigate identified impacts to make the scheme acceptable in accordance with Circular 11/95:

- Car free

Separately, the scheme will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as there is an additional unit of residential accommodation proposed. Based on the Mayor's CIL charging schedule and the submitted plans, the charge for this scheme is likely to be £516.40 (£50 x c. 10.328sqm) based on uplift in floorspace by the proposed extension. This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

**Recommendation:** Grant conditional permission subject section 106 agreement and granted listed building consent

Heads of Terms of the S106 Agreement:

- Car free

#### DISCLAIMER

Decision route to be decided by nominated members on Monday 26<sup>th</sup> November 2012.  
For further information please click [here](#).