

Delegated Report		Analysis sheet	Expiry Date:	07/09/2012
		N/A	Consultation Expiry Date:	05/09/2012
Officer			Application Number(s)	
Gideon Whittingham			1) 2012/3668/P 2) 2012/3697/C	
Application Address			Drawing Numbers	
102 Camden Mews London NW1 9AG			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a three storey dwelling house (Class C3) following demolition of existing house (Class C3) and garages (Class Sui Generis)				
Recommendation(s):		1) Refuse Planning Permission 2) Refuse Conservation Area Consent		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	04	No. of responses	07	No. of objections	06
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 25/07/2012 (expiring on 15/08/2012) and a public notice was published in the Ham & High from 02/08/2012 (expiring on 23/08/2012).</p> <p><u>Objection from the occupier of No.100A Camden Mews</u> “Loss of light to second floor level rear balcony” “Is sufficient noise insulation specified” “what conditions can be attached to any consent to ensure this remain in single family occupation”</p> <p><u>Objection from the occupier of No.104 Camden Mews</u> “The demolition of the dwelling” “Loss of light to second floor level rear balcony” “Noise and disruption associated with development”</p> <p><u>Objection from the occupier of No.102 Camden Mews</u> “loss of low income housing” “The demolition of the dwelling”</p> <p><u>Objection from the occupier of No.106 Camden Mews</u> “Three storey building too high for mews and out of character for the terrace” “loss of light to No.106 Camden Mews”</p> <p><u>Objection from the occupier of No.129A Camden Mews</u> “The demolition of the dwelling” “Taller than buildings within the mews” “Little architectural merit”</p> <p><u>Objection – no address given</u> “out of keeping with mews buildings” “residential use only, contrary to character of conservation area”</p>					
CAAC/Local groups comments:	<p><u>Objection from Camden Square CAAC:</u> “drawings inadequate and do not contain enough detail” “the height proposed larger than surrounding buildings” “extent of glazing to building” “loss of privacy” “overshadowing and light pollution”</p> <p>English Heritage has advised the application should be determined in accordance with national and local policy guidance.</p>					

Site Description

The application site is located on the eastern side of Camden Mews, within the section known as Camden Mews North. The building appears to be an early example of property developed to service the grand townhouses of Camden Square laid out around the mid 1840's. The existing building is a typical early/mid-nineteenth century two-storey, painted brick mews property with shallow pitched slate roof, ground floor structural opening and winch door opening, but unusually has been aligned with the flank/west elevation fronting the road. The site also contains a single storey garage with an informal (unauthorised) terrace above, adjoining the main-southern elevation, which is considered to have been built over the original cobbled courtyard, and additional single storey garage adjacent to that. The southern elevation of the building, punctuated with traditional timber sash windows is extremely visible in oblique views from Camden Mews over the roof of the two adjacent single storey garages.

Camden Mews was laid out at the same time as Camden Square and the adjoining streets and was intended that stables and coach houses would be built here to service the surrounding substantial houses. However, many sites remained empty as the area failed to maintain its early desirability, only being developed in the post WWII period. Consequently, the survival of a Victorian service building in anything approaching its original condition is comparatively rare.

The Camden Square Conservation Area was extended in 2002 so as to include this portion of Camden Mews and the assessment specifically states that No.102 makes a positive contribution to the character and appearance of the Conservation Area.

Relevant History

2006/2127/P and 2006/2128/C - PP and CAC Refused (08/09/2006) for the demolition of existing house and adjacent garages and construction of two terraced houses (Class C3).

The planning permission reasons for refusal were as follows:

- 1) The proposed two new terraced dwellings, by reason of their form, design and materials, would be detrimental to the character and appearance of the conservation area contrary to policy B1 (General design principles) and B7 (Conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006 and supporting advice contained within the Council's Supplementary Planning Guidance and the Conservation Area Statement.*
- 2) The proposed additional residential dwelling on the site, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policies T8 (Car-free housing and car-capped housing) and T9 (Impact of parking) of the Replacement Unitary Development Plan 2006.*
- 3) The proposed two new terraced dwellings, in the absence of information to demonstrate or justify otherwise, would fail to comply with 'Lifetime homes' standards and as such would fail to meet the needs of those with mobility difficulties and other disabilities. The proposal is therefore contrary to policy H7 (Lifetime homes and wheelchair housing) of the London Borough of Camden Unitary Development Plan 2006 and supporting advice contained within the Council's Supplementary Planning Guidance.*

The conservation area consent reason for refusal was as follows:

- 1) The demolition of the existing building on the site, which has been identified as making a positive contribution to the conservation area, would be detrimental to the character and appearance of the Camden Square Conservation Area contrary to policy B7(b) (Demolition of unlisted buildings) of the London Borough of Camden Replacement Unitary Development Plan 2006 and supporting advice contained within the Council's Supplementary Planning Guidance and the Conservation Area Statement.*

This decision is addressed in following report and the conclusions reached are material to the assessment of the current application.

Nos.96-100 Camden Mews

PEX0200682 – PP and CAC Approved (01/05/2003) for the demolition of part single, part 2 storey mews buildings; erection of 3 storey building to provide four 2-bedroom residential maisonettes (class C3) with employment (class B1) on the ground floor. This permission was implemented.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy:

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)

CS19 (Delivering and monitoring the Core Strategy)

Development Policies:

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetimes homes and wheelchair housing)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and limiting the availability of car parking)

DP20 (Movement of goods and materials)

DP22 (Promoting sustainable design and construction)

DP23 (Water)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2011:

CPG 1 Design; CPG 2 Housing; CPG3 Sustainability; CPG6 Amenity; CPG 7 Transport; CPG8 Planning Obligations

London Plan 2011

NPPF 2012

Assessment

1. Proposal:

1.1 The application proposes:

- The complete demolition of the existing two storey mews dwelling and 2 adjacent garages, for the erection of a part 2 part 3 storey dwelling providing approximately 220sqm of residential accommodation.

1.2 The principal considerations material to the determination of this application are summarised as follows:

- Demolition of the existing building and garages
- Design
- Standard of accommodation and Lifetime homes standards
- Residential Amenity
- Trees
- Transport

1.3 The original applications in 2006 (2006/2127/P and 2006/2128/C) were considered against the Camden Replacement Unitary Development Plan (UDP) 2006 policies. The UDP has now been superseded (with the exception of one policy which is of no relevance to the determination of this application) with the adoption of the LDF Core Strategy and Development Policies on 8th November 2010 and Camden Planning Guidance (CPG) 2011. The thrust of the majority of policies are similar in the LDF to the UDP. Notwithstanding this however, there have been a number of changes within the LDF (compared with the UDP) which are material to the determination of this application. In addition, the London Plan has been updated and the National Planning Policy Framework (NPPF) has been adopted in place of Planning Policy Guidance Notes and Planning Policy Statements. As such, the application is considered in line with the current policy context.

1.4 The Officer's report from the previous application (2006/2127/P) provides an overview of the consideration of issues, a site visit has also been undertaken to confirm any significant material changes on or adjacent to the site which have taken place since the refusal of the original permission. The predominant focus of this assessment will be on matters which have changed significantly since the original permission.

2. Demolition of the existing building

2.1 The previous comments of the Council on this issue in the 2006 (2006/2127/P) were:

"Camden Mews was laid out at the same time as Camden Square and the adjoining streets. It was intended that stables and coach houses would be built here to service the surrounding substantial houses. However, many sites remained empty as the area failed to maintain its early desirability, only being developed in the post WWII period. Consequently, the survival of a Victorian service building in anything approaching its original condition is comparatively rare. The Camden Square Conservation Area was extended in 2002 so as to include this portion of Camden Mews and the assessment specifically states that no.102 makes a positive contribution to the character and appearance of the Conservation Area.

Policy B7b of the Replacement Unitary Development Plan 2006 clearly states that, "The Council will not grant conservation area consent for the total demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area." Section 3.8.6 of the Council's Supplementary Planning Guidance would also support the retention of this particular building.

Planning Policy Guidance 15 s.3.19 outlines the criteria by which applications for Conservation Area Consent will be assessed. These include the condition of the building and the cost of repairing it, the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site.

The applicant has provided a document entitled 'Case for demolition of existing properties' The applicant argues that the building was probably constructed as a work unit and that in its current form the building falls short of approaching normal planning and building regulation requirements. However, it is considered that the building, which is of Victorian origin, would have been likely to have had a residential component for much of its history and has the ability to offer an adequate standard of accommodation.

The applicant states that the building is of a basic and flimsy construction rendering it extremely environmentally unfriendly due to its poor thermal insulation. While it is recognised that a modern building would have better thermal characteristic than buildings of the age and character of the mews property it is not considered that this would be a valid reason for its removal.

The applicant comments that structurally the building is in poor condition and has provided a report entitled 'Brief Report on the Structural Condition of 102 Camden Mews, London NW1. This report concludes that 'this old, initially, cheaply built structure, further weakened by unwise alterations, needs to be substantially replaced, very little of it being worth saving. That as it stands, it is in part dangerous in the near future if neglected. Although theoretically it might be possible to prop up the first floor south wall, containing the door to the terrace and two windows to be able to improve the foundation wall underneath, it is doubtful whether this would be cost effective'.

It is recognised that there are structural issues with the property, particularly in relation with the garage, which has recently been damaged due to the construction of the new garage directly next door. It is not considered that these problems are in any way insurmountable and that insufficient evidence has been submitted to prove that the removal of the building is warranted. In particular no financial information detailing the costs of the required works to the building have been submitted. Given the information supplied as a case for the demolition of the building and the proposed buildings it is not considered that the works would meet the tests of PPG 15.

It is not considered that the existing garages make a positive contribution to the conservation area, however their demolition would only be permitted if an appropriate replacement building was proposed."

2.2 Notwithstanding the adjoining construction of building Nos.96-100, it is considered that no significant material changes on or adjacent to the site have taken place since the refusal of the previous permission. It is considered the demolition of the existing building and adjoining garages, in light of the officer's comments above, was suitably assessed in terms of its contribution to the character and appearance of the conservation area.

2.3 With regard to national policy guidance, paragraph 132 of the NPPF states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be".

2.4 In this case, the Camden Square Conservation Area is the designated heritage asset. In such a large area different elements of the designated heritage asset will have varying levels of significance. With particular regard to the application site, whilst it is acknowledged that the single storey garage structures are of limited or no architectural or historic interest, the main building is typical of original mews building found along the mews. It forms the first phase of development in the area and has all the attributes of an 19th Century mews dwelling. Moreover it is unusual in that its flank addresses the street – presumably to aid access for manufacturing or loading purposes. It is likely to have originally formed one of a back to back pair (its neighbour now demolished) however this is not considered to unduly diminish its architectural or historic quality. In this regard, it is considered No.102 Camden Mews is of significant value and therefore greater weight should be given to its conservation.

2.5 Paragraph 138 of the NPPF states that:

“The loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”

2.6 When quantifying the extent to which the proposal would harm the significant value of the building within the conservation area, were the proposal to seek physical alterations to a retained building, it may be treated as less than substantial harm under paragraph 134. However, given that the proposal seeks the complete demolition of the building, it should be treated as substantial harm and therefore considered under paragraph 133 of the NPPF.

2.7 Paragraph 133 of the NPPF states that:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.”*

2.8 Notwithstanding LDF land use policies, the nature of the site and surroundings would not prevent all reasonable uses of the site. The building already serves as a public benefit by providing residential accommodation. Within this context, whilst the provision of additional accommodation in this location would be welcomed, its provision would neither outweigh nor adequately justify the loss of a designated heritage asset in this instance.

2.9 With regard to LDF policy approach, in particular CS14 and DP25, there is a general presumption in favour of retaining buildings that make a positive contribution to the character or appearance of a conservation area, whether they are listed or not so as to preserve the character and appearance of the conservation area. It states that the Council will not grant conservation area consent for the total or substantial demolition of such a building where this would harm the appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention.

2.10 The submission states the building has been largely rebuilt and therefore no longer retains sufficient architectural or historic interest to be worthy of retention. In terms of architectural or historic interest, whilst it is acknowledged that a significant portion of the west flank wall has been rebuilt, this is not considered to unduly diminish its architectural or historic quality as the remainder of the building is original.

2.11 In terms of structural stability, as per the previous submission, it is not considered the damage caused to the main building as a result of the adjacent garages is in any way insurmountable. In particular, no financial information detailing the costs of the required works to the building has been submitted to substantiate its demolition due to its unviable retention/restoration.

2.12 In light of the Officer's comments relating to application ref: 2006/2127/P and the preceding assessment, it is considered the submission has failed to adequately justify the asset is demonstrably non-viable and is better to demolish than keep retain the asset, contrary to policy approach within the NPPF, LDF and Camden Square conservation area statement.

3. Impact on the host building and surrounding area:

3.1 The proposed scheme has sought to provide a high quality contemporary scheme, which reflects the original aesthetic and proportion of the Mews and is also sympathetic to the alignments and

materials in both the mews and the conservation area. The character of Camden Mews is one of irregularity, in terms of materials and design, reflecting its piecemeal development over 150 years. In particular, many sites were developed from the 1930s onwards as individual architectural compositions of significant quality.

3.2 In terms of scale, the proposed part 2 part 3 storey mews building, by virtue of its terminating height is considered to overwhelm the nature and character of the mews. The prevailing development within Camden Mews is typically two storey, although the adjoining buildings (Nos.96-100) are three storeys. The proposal, whilst incorporating a third floor to match the later developments within the Mews, rises significantly higher than Nos.96-100, up to the height of the party wall upstand. In this circumstance, the terminating height of the building would assert an incongruous and overly bulky building which would fail to adequately address the bulk and massing of the adjacent buildings.

3.3 Notwithstanding the demolition of the existing dwelling and scale of the proposed building, the design concept of the proposal reflects the existing contemporary buildings within the Mews. The proposed building creates a series of regular forms which broadly relate to the scale and form of the buildings in the mews. In terms of materials, the use of brick and timber also relate to the traditional palette of materials in the mews.

4. Standard of accommodation and Lifetime homes standards

4.1 The existing 2 bed dwelling provides approximately 60sqm of residential accommodation, whilst the garages are afforded approximately 42 sqm. The proposal would provide a 3 bed market dwelling of approximately 220sqm of residential accommodation.

4.2 In consideration of CS6 and meeting the priorities set out in the Dwelling Size Priorities Table, market homes with 2 beds are of the highest priority, whilst homes with 3 beds are of medium priority. The Council acknowledges that there is a need and/ or demand for dwellings of every size and will focus and prioritise provision around the very high and high priority sizes.

4.3 Although the proposal would result in the loss of a 2 bed home for market housing of the highest priority, it is considered the layout of the existing dwelling provides a poor standard of residential accommodation in terms of sunlight, daylight, ventilation and outlook, contrary to policy CS6 and the Residential Development Standards contained in Camden Planning Guidance. In particular, access can only be gained to the ground floor habitable rooms by passing through another habitable room, whilst 1 of the bedrooms is windowless.

4.4 The Council, in accordance with CPG 2 (Housing), will expect a 3 bedroom dwelling designed to accommodate 6 persons to meet or exceed 93 sq m. The proposed dwelling would exceed 93sqm, providing 220 sqm, thereby complying with CPG standards. Whilst it is acknowledged in the CPG that the precise internal layout of individual proposals cannot be controlled through planning, it is considered important each of the new units would provide adequate and functional living space for the occupants. The 3 bedrooms each exceed the CPG standards for first and double bedrooms and can be accessed independently off a hallway without passing through another habitable room. In terms of outlook, 2 bedrooms would be dual aspect, whilst 1 bedroom would be single aspect.

4.5 The applicant has submitted a Lifetime Homes statement identifying design features which would maximise accessibility and the site/building's constraints. The proposal largely complies with the Lifetime Homes criteria; however the constraints of the site, in particular the inability provide a parking space in close proximity to the site and the lack of a lift, restrict compliance with, inter alia, criteria Nos.1, 2 and 3. The dwelling is however capable of providing entrance level living, bedspaces and washing facilities, thereby complying with, inter alia, criteria Nos. 8, 9 and 10. In the context of those constraints, it is considered that the proposal adequately meets all applicable standards and is therefore in accordance with policy DP6.

4.6 The proposed dwelling is considered to provide a good standard of residential accommodation in terms of layout, room sizes, sunlight, daylight, ventilation and outlook. On balance, it is considered

the loss of the 2 bed home is acceptable in this instance.

5. Neighbour amenity

5.1 The previous comments of the Council on this issue in the 2006 (2006/2127/P) were:

"It is not considered that the proposed development would have any adverse effects in terms of residential amenity. In particular it is not considered that the proposed rear terrace would result in any overlooking or loss of light to the Cliff Road studios directly to the rear of the subject site as there is adequate separation distance between the properties".

5.2 In light of the Officer's comments, it is considered that no harm would be caused with regard to the amenity of the neighbouring properties, in particular those on Camden Mews, Cliff Road, or surrounding gardens in terms of access to sunlight, daylight, or sense of enclosure.

5.3 In terms of privacy, whilst it is acknowledged the use of the first floor terrace to the front would result in a degree of overlooking, given the width and already intimate nature of the mews, this matter would not substantiate a reason for refusal on this issue alone. However, in order to protect those properties directly facing the proposal site, it may be necessary that a number of windows and glazed surfaces to the front and rear elevation be obscurely glazed and non-opening. This could be secured with the use of a condition if the application were to be approved. It is considered that this would be sufficient to prevent unreasonable overlooking or a loss of privacy.

6. Impact on trees

6.1 In order to protect the trees within the rear communal garden on Cliff Road, it would be necessary for a scheme of landscaping, including indications of all trees to be retained together with measures for their protection in the course of development. This could be secured with the use of a condition if the application were to be approved.

7. Local transport infrastructure

7.1 In consideration of Policy DP18, the Council will expect development to be car free in areas such as the central London and other areas with Controlled Parking Zones (CPZs) which are highly accessible by public transport. 'Highly accessible areas' are considered to be areas with a Public Transport Accessibility Level (PTAL) of 4 and above.

7.2 The site has a PTAL of 3, which indicates that it has a moderate level of accessibility by public transport, although it should be noted that bus stops are located nearby on Camden Road, Camden Park Road, Torriano Avenue, Brecknock Road and York Way. The site is located within the Camden Square Controlled Parking Zone (CPZ). Within this context, car-free housing secured by a Section 106 planning obligation, shall not be sought in this instance.

7.4 CPG6 (Amenity) requires that a construction management plan (CMP) be submitted for development that is likely to give rise to significant noise and other disturbance during construction. Given lack of on site space for machinery, the relatively restricted site access and the potential effect of construction in terms of, inter alia, noise, dust and vibration on nearby residential units, the proposed scheme would require the submission of a CMP in order to comply with policies DP20 and DP26. Given that the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal of the application. An informative is however recommended to be added to the decision notice denoting that this reason for refusal could be overcome, in the context of a scheme acceptable in all other respects, by entering into a legal agreement with the Council. This is without prejudice to any future application or appeal at the site.

7.5 Camden's Parking Standards for cycles states that 3 parking spaces are required for a residential unit of this size. The applicant has not included provision for the required amount of cycle storage/parking in the proposed design. However, it is considered cycles could easily be stored within the unit if required. The proposal, on balance, is considered acceptable in this instance.

8. Other matters

8.1 An informative is recommended to be added to the decision notice denoting that particular reasons for refusal could be overcome, in the context of a scheme acceptable in all other respects, by entering into a legal agreement with the Council. This is without prejudice to any future application or appeal at the site.

Recommendation: Refuse planning permission

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