



Boyer
PLANNING

171 FINCHLEY ROAD

Planning, Design and Access Statement

Prepared by Boyer Planning on behalf of Fairfax Mansions LLP
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1. INTRODUCTION

- 1.1 Planning permission is sought to convert the vacant upper floors of 171 Finchley Road to 2 x studio units and 1 x two-bed flat, with an associated extension at first floor level to the rear.
- 1.2 The second and third floors would be arranged as a two-bed flat but the amount of space would enable the arrangement as a three-bed or even a four-bed flat.
- 1.3 The proposed conversion from a vacant office use with ancillary residential accommodation (Sui Generis) to residential C3 use would enable the property to be brought back into permanent residential use, providing much-needed homes for the borough.

2. THE SITE AND SURROUNDINGS

- 2.1 171 Finchley Road is a four-storey mid-terrace property with attic storey and basement situated on the south-west side of Finchley Road near its junction with Fairfax Road. The building is part of a block of similar properties collectively known as Fairfax Mansions which extend from 167-175 Finchley Road. 171 Finchley Road is also known as “Block 5, Fairfax Mansions” but like each other property in the block is entirely self-contained, and is in a separate title to the other properties in Fairfax Mansions. All properties in Fairfax Mansions are in the same ownership.
- 2.2 173A Finchley Road (Block 8 Fairfax Mansions) received planning permission (Ref: 2011/6368/P) in April 2012 for the conversion of upper floors to 2 x self-contained flats with associated extension at first floor level. In addition to this current application. Separate applications will shortly be made for the remaining properties in Fairfax Mansions, for conversion of the upper floors of some properties to flats and for Certificates of Lawful Use for their existing residential layouts. Works are also being carried out to refurbish some other properties in Fairfax Mansions, and works have been recently carried out to the exterior of most of the properties.
- 2.3 The ground and basement floors of 171 Finchley Road are occupied by a retail unit (Class A1) fronting Finchley Road. The shop unit is not affected by this planning application. Due to the slope from Finchley Road to the southwest, the basement opens out to a parking and servicing area to the rear of the property.
- 2.4 To the rear, the ground floor is elevated on an access podium that provides access to the upper floors via an entrance lobby at ground floor level. There is no garden space or ground floor amenity space on the site.
- 2.5 The building which is the subject of this application was originally built as a single family dwelling (Class C3) in 1911. The upper floors were converted to their current layout during the 20th century.
- 2.6 The ground floor provides a lobby/entrance hall. The first, second and third floors comprise office accommodation with ancillary residential. The office and residential space are connected; it is not possible to enter the ancillary accommodation without passing through the office space. The space was previously occupied by a single tenant. The site is within the Finchley Road Town Centre, but does not have any other policy designations. It is not within a conservation area, and the buildings are not listed.
- 2.7 Finchley Road is a TLRN route and carries a heavy volume of traffic. In the Finchley Town Centre properties are typically shops on the ground floor with flats and some other secondary commercial uses on the upper floors.
- 2.8 The site has an excellent PTAL rating of 6b, putting it among the most accessible locations in London. The high PTAL is owed to the proximity to Finchley Road Underground Station (Jubilee Line, 250m), Finchley and Frognal Overground Station (500m) and numerous bus routes that travel along Finchley Road and nearby streets.
- 2.9 There are 20 unallocated car parking spaces to the rear of the site. No change to the parking area is proposed.

3. THE PROPOSAL

3.1 The upper floors of 171 Finchley Road and ground floor entrance lobby would be converted from office use and ancillary residential accommodation (Sui Generis) to residential use (C3) providing the opportunity to create four new dwellings:

- 2 x studio flats
- 1 x two-bedroom flat (which could be arranged as a three-bed or four-bed)

3.2 The ground floor entrance lobby would provide a secure storage cupboard for each of the upper floor dwellings, which could be used for bicycle storage.

3.3 A small extension is proposed to the rear addition at first floor level. The extension would provide a stair link enabling the rear room at first floor level to be connected to the main habitable space. Without the link the rear room at first floor level would be cut off from the rest of the building. The exterior wall of the proposed first floor extension would be designed to match the existing brickwork and window design.

4. PLANNING HISTORY

- 4.1 The following planning history is relevant to the site, or to other buildings in Fairfax Mansions.
- 4.2 Planning permission was **granted** on the 18 April 2012 (subject to legal agreement) (ref: 2011/6368/P) in connection with 173A Finchley Road for the erection of extension at rear first floor level and change of use of first to third floor from offices (Class B1) to 2 x self-contained residential flats (1 x 1-bed and 1x 2-bed) (Class C3). This application was submitted following a refusal of a previous application (ref: 2011/2725/P) for a similar proposal.
- 4.3 Planning permission was **refused** on 23 August 2011 for use of land to rear of Fairfax Mansions as 27 bay car parking area providing 10 spaces for the commercial units on Finchley Road and 17 spaces for visitors to the commercial uses and/or the residential flats above together with landscaping, bicycle storage cage and bin storage areas (ref: 2011/2533/P).
- 4.4 Planning permission was **refused** on 4 March 2011 for replacement of existing timber and uPVC windows at upper floors to all elevations with uPVC framed sash windows (ref: 2010/6962/P).
- 4.5 **No objection** was made to works to trees in a conservation area at the rear of 167-175 Finchley Road, on 2 December 2009 (ref: 2009/5529/T). The works involved felling 1 x ash and 1 x sycamore. It is noted that the site is not within a conservation area.
- 4.6 Consent for works to TPO trees was **part granted/part refused** on trees to the rear of 167/167A Finchley Road on 27 September 2004 (ref: 2004/3774/T). The felling of 3 x sycamore trees was refused consent. The felling of 1 x sycamore and works to 1 x ash tree were granted.
- 4.7 Planning permission was **granted** in October 1980 for erection of a single-storey extension for light industrial purposes (ref: 30982). A further permission for the same development was granted in December 1982 (ref: 35430).

5. PRE-APPLICATION CONSULTATION

- 5.1 The applicant sought advice from London Borough of Camden's Planning Service in respect of the proposals for Fairfax Mansions. Officers expressed no objection to the principle of the change of use to residential, and in this instance were satisfied that the creation of new residential units outweighed the loss of the office space on the site.

6. PLANNING POLICY CONTEXT

- 6.1 All planning applications are judged against adopted development plan policies in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004. The proposals must, therefore, be considered in light of the planning documents relevant to the site. These are the London Borough of Camden Local Development Framework, and the London Plan.
- 6.2 Other instruments including the National Planning Policy Framework (NPPF) and local instruments such as Supplementary Planning Guidance must also be considered.
- 6.3 Relevant Local Development Framework policies from the adopted Core Strategy and Development Policies documents (both adopted November 2010) are discussed further in Section 5, as is Camden's adopted Planning Guidance on Housing (CPG2).

7. ASSESSMENT OF THE PROPOSAL

Principle of Redevelopment

- 7.1 The priority use of the Local Development Framework is housing; specifically to make full use of the borough's capacity for housing. The proposals would bring the floorspace back into a solely residential use (C3), providing self-contained dwellings. The proposals therefore are in accordance with the key aims of the Development Plan, in particular policies CS6 and DP2 and will assist the Council in meeting its housing targets.
- 7.2 The proposed development would involve the loss of vacant office space, which shares access with the ancillary residential element of the building. However, even if the office floorspace was considered as separate office space (B1a) and policies CS8 and DP13 were considered; Policy DP13 enables the Council to allow a change to non-business use where it can be demonstrated that the site is no longer suitable for business use and it cannot be redeveloped for another business use. The policy also states that where a site is not suitable for any business use other than B1(a) office space, the Council may allow a change of use to residential.
- 7.3 In this case, the vacant office space shares access with the ancillary residential element and could not be occupied independently. The space therefore meets the tests for change of use to residential.
- 7.4 Policy CS8 also states that there is a good supply of offices in the borough, whereas policy CS6 makes clear the severe need for housing. In summary, the Council's adopted policy and emerging policy makes clear that the loss of office space in circumstances such as this and given the contrasting supply of office space and housing in the borough.
- 7.5 In addition the NPPF (2012) confirms that the change of use of commercial buildings to residential use should normally be approved where there is an identified need for additional housing in an area, provided that there are not strong economic reasons why such development would be inappropriate.

Proposed Mix of Dwellings

- 7.6 The proposed mix of dwellings should be assessed against Policy DP5 and the relevant Camden Planning Guidance (CPG2) on Housing.
- 7.7 Policy DP5 relates to the mix of dwellings in residential developments. Broadly, the policy seeks to ensure mixed and inclusive communities are created by ensuring a range of self-contained homes is provided. It refers to the Dwelling Size Priorities Table on page 38 of the Development Policies document. However, it recognises in paragraph 5.7 that the Council will be flexible when assessing development against policy DP5 and the dwelling size priority table.
- 7.8 Although two-bed dwellings are the Council's priority in terms of dwelling size, it should also be recognized that smaller dwellings are also needed within the Borough to meet the Council's housing need and targets. The proposal therefore seeks to make the most efficient and effective

use of the space available, taking into consideration planning policy and the constraints of the site. In respect of the latter point, most notably that it lies within an existing building with an awkward layout. Therefore, in this instance and given the strategic aims of NPPF (2012) to encourage growth, a proposal for 2 x studios and 1 x larger unit that could be arranged as a two-bed, three-bed or four-bed flat is considered the most appropriate configuration and use of the site.

Development Standards

- 7.9 Camden's CPG2 (Housing) sets out residential development standards that apply to new residential developments. The CPG is a guide to ensuring that policy CS6 (Providing quality homes) is complied with.
- 7.10 The residential development standards include a series of general principles, which the development complies with, and residential space standards. The space standards set out the amount of internal floorspace a dwelling should have. The proposed dwellings all comply with the minimum space standards set out in CPG2. Each dwelling also has cycle and private storage in the ground floor entrance lobby.

Affordable Housing

- 7.11 Policy DP3 seeks a contribution to the supply of affordable housing on developments with a capacity for 10 dwellings or more. Clearly this proposal does not have the potential to provide that amount of housing.
- 7.12 We are aware from discussions with officers that should other properties within Fairfax Mansions come forward for conversion in future, that the Council may consider them as a single development, and the overall number of dwellings created would be considered against policy DP3. That is, if more than 10 dwellings came forward in total, a contribution to affordable housing would be sought.
- 7.13 We acknowledge that Policy DP3 seeks to ensure that where two or more development sites are adjacent and related, or where development sites are split or phased, the appropriate affordable housing is comprehensively assessed for all the sites together. Paragraphs 3.10 and 3.11 explain that the policy is intended to prevent a succession of developments from a single developer where the number of dwellings is just below the 10-unit threshold. Such a tactic, if unabated, could result in dozens of dwellings being developed without any contribution to affordable housing.
- 7.14 The situation here is very different. That the sites are in the same ownership and adjoin each other is not a relevant consideration. Each is in a separate title. The properties have not been split or the development phased to avoid contributions. The proposals in this instance are akin to a series of houses in a terrace applying to be converted; in such an instance there would be no requirement that they be considered as a single development, regardless of their ownership.

Design and Access

- 7.15 The proposals involve a small extension at first floor level to the rear addition. The extension is necessary to provide a link between the rear addition and the main building. The rear addition is currently isolated from the main building by a staircase.

- 7.16 The new extension would be the minimum size necessary to enable the link to be formed. It would not protrude from the line of the existing rear addition and would be made from materials – including window design – to match the existing building.
- 7.17 Access to the property by public transport is excellent. No new car parking would be proposed.
- 7.18 All of the proposed flats are located on the first floor or higher, and only accessible by stairs. It would not be practicable or reasonable to provide new disabled access.

Parking

- 7.19 The applicant is willing to enter into an s.106 agreement to ensure that the proposed dwellings are car-free this would ensure that the proposal did not have a detrimental impact on parking or the highway network

8. SUMMARY AND CONCLUSIONS

- 8.1 The upper floors of 171 Finchley Road were originally used for residential purposes (C3), but its most recent use has been office with ancillary residential accommodation (Sui Generis). The proposed change of use is considered to accord with Council Policy, as although it would result in the loss of vacant office accommodation, the Council's adopted policy makes clear that proposals such as this are acceptable given the pressing need for housing in the Borough.
- 8.2 The building is in a highly-accessible town centre location. The vacant accommodation is located above shops with access via a raised podium deck. The suitability of the building for family occupation is extremely limited. The building is also unusually laid out, with two stair cores making conversion difficult. The proposed mix and number of dwellings responds to these site constraints and seeks to make the most efficient and effective use of the floorspace.
- 8.3 The small extension proposed would be modest in scale and amount, and would be built to match the appearance of the existing building. The development would not result in detrimental impacts on the amenity of neighbouring properties or the local highway network.
- 8.4 It is therefore considered that the proposal is acceptable and accords with the aims of relevant planning policy most notably in terms of supporting the NPPF (2012) in relation to encouraging sustainable growth and also through assisting the Council in meeting its housing targets in accordance with policy DP2.



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