

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>15/06/2012</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	24/05/2012
<b>Officer</b>			<b>Application Number(s)</b>		
Gideon Whittingham			2012/1912/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
121 KING'S CROSS ROAD LONDON WC1X 9NH			Refer to 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>					
Erection of a two storey rear extension to a restaurant (Class A3)					
<b>Recommendation(s):</b>		<b>Grant Planning Permission</b>			
<b>Application Type:</b>		<b>Full Planning Permission</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	31	No. of responses	07	No. of objections	07
			No. Electronic	00		
Summary of consultation responses:	A site notice was displayed from 25/04/2012 (expiring on 16/05/2012) and a public notice was displayed in the local press (Ham & High) from 03/05/2012 (expiring on 24/05/2012).					
	<u>The objection from the occupiers of No.119 King's Cross Road:</u>					
	<i>"The parking is a big problem, if this is allowed to operate.</i>					
	<i>[I] believe that the area is already densely populated with units selling food."</i>					
	- See officers assessment section 4					
	<u>The objection from the occupiers at the ground floor of No.119 King's Cross Road:</u>					
	<i>"The property...was for some time a fast food pizza take away. At no time did it act as an A3 restaurant, so how can this now be allowed.</i>					
	<i>The leaseholder previous to me...submitted plans to increase the size of his restaurant but was refused, on several grounds. One being that the extensions would block the 'natural light' to the buildings either side"</i>					
	-Council records show no application to enlarge the commercial ground floor premises of No.119 King's Cross Road					
	<u>The objection from the occupiers of No.1 Swinton Street:</u>					
<i>"The erection of a two storey rear extension to a restaurant would most likely shield most of the daylight in our living room, if not all, as we live in the ground floor and also would shield almost all sunshine from our patio. Our flat window is only 5m from the planned extension, so the view would become rather dark and claustrophobic"</i>						
- See officers assessment section 4						
<u>The objection from the occupiers of No.15 George Eye House, Cochrane Street:</u>						
<i>"The extension would block natural light to the basement flat and the upper floors at 119 Kings Cross Road</i>						
<i>The noise would be an issue</i>						
<i>121 Kings Cross Road has never operated as an A3 restaurant. It has always traded as a fast food restaurant."</i>						
- See officers assessment section 4						

	<p><u>The objection from the occupiers at the basement flat of No.119 King's Cross Road:</u></p> <p><i>"My bedroom backs onto the back of 121 Kings Cross Road, it faces the side of the building. I have little light. If intended plans went ahead, it would leave no natural light for my window</i></p> <p><i>Also you must considered the noise, it would be the only basement used for commercial use, in the whole terrace."</i></p> <p>- See officers assessment section 4</p> <p><u>The objection from the occupiers of No.117 King's Cross Road:</u></p> <p><i>"I believe we have enough out-lets supplying food in the form of restaurants.</i></p> <p><i>The shop was always a takeaway</i></p> <p><i>The extensions will block all natural light for the tenants"</i></p> <p>- See officers assessment section 2 &amp; 4</p> <p><u>Objection representing Housing Britain (property owners and tenants at the following three neighbouring properties: 1, 3 and 9 Swinton Street, WC1X 9NL.):</u></p> <p><i>"We are extremely concerned about the potential adverse impacts this planning application represents. The proposed extension will be directly next to our small rear garden at both 1 and 3 Swinton Street, WC1X 9NL and will have the following direct adverse impacts:</i></p> <p><i>will enclose our views and make our already small outdoor space seem even more claustrophobic whilst ruining our views</i></p> <p><i>will block our natural light</i></p> <p><i>will overlook our property and impact our privacy</i></p> <p><i>will limit extensively fresh air circulation</i></p> <p><i>We are also deeply concerned about other factors a LARGER restaurant will have such as:</i></p> <p><i>increased customers/staff hence putting a strain on our already limited car parking facilities</i></p> <p><i>larger volume of food preparation hence increased smell, increased potential of vermin infestation, poor air circulation due to the close proximity of extractor fans, etc"</i></p> <p>- See officers assessment section 2 &amp; 4</p>
<p><b>CAAC/Local groups comments:</b></p>	<p>No comments were received from the Bloomsbury CAAC</p>

## Site Description

The application relates to a four-storey plus basement property located on the West side of King's Cross Road. The basement and ground floors are currently vacant but were last used as a restaurant. The upper floors are in residential use. The application property forms part of a terrace with commercial uses located at lower floor levels with residential use on the upper floors.

The site is not listed but falls within the Bloomsbury Conservation Area. The Conservation Area Appraisal and Management Strategy states that the majority of properties in this area, if part of the Conservation Area, would be positive contributors.

## Relevant History

Ref: 8800410 - Certificate of lawfulness granted for use of the ground and basement floors as a restaurant (03/11/88)

Ref: 9401408 – PP granted – for the conversion of the second and third floors to form 2xone bedroom flats (21/10/94)

Ref: 9501208– PP granted – for the conversion of the first floor to form a one-bedroom flat (29/09/95)

Ref: 2011/3885/P – PP Refused – for the change of use of basement from ancillary restaurant (Class A3) to create one bedroom flat (Class C3), installation of a lightwell at ground floor level and railings on the front elevation. (27/09/2011)

## Relevant policies

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

#### **Core Strategy:**

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS7 - Promoting Camden's centres and shops

CS13 - Tackling climate change through promoting higher environmental standards

CS14 - Promoting high quality places and conserving our heritage

#### **Development Policies:**

DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

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

### **Camden Planning Guidance 2011**

**Bloomsbury Conservation Area Appraisal and Management Strategy (adopted 2011)**

**National Planning Policy Framework March 2012**

## Assessment

### 1. Proposal:

1.1 The application proposes:

-The erection of a two storey infill extension located at basement floor level for the provision of approximately 7sqm of additional floorspace within Class A3 use. The structure would be brick faced and feature a single flank wall facing window (obscurely glazed) located at basement floor level. In terms of dimensions, the structure would measure approximately 4.5m in height, 1.5m in width and 2.3m in depth. An existing metal staircase would be removed to make way for this extension.

-The proposal would also enclose an 'undercroft' area beneath an existing ground floor level to match the above brick facing extension.

1.2 No alterations to the shopfront or front elevation form part of this proposal. The extract unit currently located on the rear elevation would not be altered as part of this application and extension's roof would retain the same access point to the rear façade as the existing arrangement.

1.3 An amended plan has been submitted following officer advice which now reflects the proposal accurately.

1.4 The main issues for consideration are:

- The impact of the proposal upon the character or appearance of the building and the surrounding conservation area;

- The satisfactory provision of additional commercial accommodation;

-The impact that the proposal may have upon the amenity of the occupiers of the neighbouring properties and;

### 2. Impact on the host building and surrounding conservation area:

2.1 The rear of King's Cross Road, specifically Nos.115-125 (odds), features a variety of extensions which extend over the rear garden. Extensions projecting approximately 2.5m from the rearward building line are apparent at Nos.119 & 121, all relating to the commercial uses at basement and ground floor levels. At No.117, the full width rear extension covers the entire garden for the provision of additional commercial floorspace. Within this context, the pattern of rear extensions which project into the rear garden has adequately been established along this particular terrace.

2.2 In terms of siting, by virtue of its location at basement and ground floor level and position inset between the host building's existing rear extensions, the proposal would be significantly concealed from private viewpoints, particularly those closest along Swinton Street.

2.3 A clear and direct view of the rear extension would however be visible from an adjoining window inset of the flank wall of No.119 King's Cross Road. This particular window is approximately 2m from the existing staircase, which would make way for the brick built extension within the same footprint.

2.4 Notwithstanding the aforementioned window at basement floor level to No.119 King's Cross Road, it is considered the proposal, by virtue of its size, materials and location would represent a subordinate extension, sympathetic to the character and appearance of the host building and the surrounding area.

### 3. Provision of additional commercial accommodation

3.1 In consideration of DP12, the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

3.2 The proposal would result in the provision of approximately 7sqm of additional floorspace within

Class A3 use. The proposal suggests the additional floorspace would provide an enlarged food preparation and kitchen area rather than extra dining space. Although vacant, the restaurant currently provides approximately 95 sqm of floorspace. In consideration of DP12, the provision of 7 sqm of additional floorspace within A3 use, by virtue of its limited extent and size would be of no greater detriment to the shopping provision or character of the local area, than the existing buildings' provision.

#### **4. Neighbour amenity**

4.1 It is considered that no undue harm would be caused with regard to the amenity of the neighbouring properties on Swinton Street in terms of access to sunlight, daylight, visual bulk or sense of enclosure, by virtue of the extensions location at basement and ground floor level and position in the middle of the host building's existing rear extensions.

4.2 In terms of impact upon the immediate residential properties, whilst recently installed without consent, the basement floor level window to No.119 King's Cross Road provides sole access to sun/day light for a habitable room. Its current outlook directly faces the host building's rear metal staircase approximately 2m away, beyond which is a brick faced wall 3m away. As a consequence of its location and position, the unauthorised window receives a somewhat deprived level of sunlight/daylight and outlook falling significantly short of the Council's criteria relating to amenity. Although the proposed infill extension, by virtue of its size and proximity would diminish the relative outlook and levels of sunlight/daylight to the basement window of No.119 King's Cross Road, in line with criteria forming part of CPG6 (amenity), it is considered the proposal would not have an unreasonable impact on the amenity levels currently enjoyed.

4.3 With particular regard to privacy, the proposed single flank wall facing window located at basement floor level shall be obscurely glazed to safeguard the amenity levels currently enjoyed to the basement flat of No.119 King's Cross Road.

4.4 It is considered the re-provision of access to the rear garden, by way of a door at ground floor level through the restaurant, would be of no greater opportunity for noise nuisance and disturbance to the surrounding residential properties than the buildings' existing arrangement.

4.5 Given the proposal would result in the enlargement of a Class A3 use by approximately 7 sqm, particularly for food preparation and kitchen area rather than extra dining space, it is considered the proposal would not unduly increase the level of servicing to the site, whereby the proposed levels could be accommodated within the existing servicing arrangements.

**Recommendation:** Grant planning permission

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 18<sup>th</sup> June 2012. For further information please click [here](#).**