

Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:		15/05/2012	
		N/A / attached		Consultation Expiry Date:		19/04/2012	
Officer				Application Number(s)			
Rob Tulloch				2012/1479/P			
Application Address				Drawing Numbers			
19 Chester Road London N19 5DE				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Conversion from single dwelling house to a 2-bedroom flat at ground floor level and a 3-bedroom maisonette at first and second floor levels (Class C3), plus installation of window and replacement of door to side elevation at ground floor.							
Recommendation(s):		Grant Planning Permission and Warning of Enforcement Action					
Application Type:		Full Planning Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	23	No. of responses	07	No. of objections	07
Summary of consultation responses:		Site notice 22/03/2012-12/04/2012 Press advert 29/03/2012					
		Nos. 2, 3, 4, 5, 6, 8, 9 Bramshill Gardens raise various objections to the proposal and to works already carried out:					
		<u>Conversion to two flats</u> <ul style="list-style-type: none"> Application already shows building converted into flats (<i>Officer comment: existing plans do not show subdivision</i>) Works have already started (See para 1.1) Property has always been a single family dwelling and should remain as such (2.1) Upper maisonette would have no access to the garden (3.2) No location for bin storage (3.1) Additional dwelling will put pressure on local parking conditions (6.1 & 6.2) There are too many flats in the area and not enough family homes (2.1) 					
		<u>Windows</u> <ul style="list-style-type: none"> uPVC windows are not permitted in a conservation area, replacement windows should match existing (See paras 4.1 - 4.8) Windows in the flank elevation will create a precedent (4.1 - 4.8) New windows in flank wall should be timber (4.2 & 4.7) 					

- The small proposed window to the flank elevation give the house the appearance of a war time bunker (4.7)
- Larger uPVC window in flank wall is shown as existing, but is a recent addition (4.2)

Front boundary wall

- Replacement front garden boundary wall should not be rendered and should match original (See para 4.5)
- Debris in front garden is unsightly and could attract rats (*Officer comment: Some building material was in the garden, but not enough to warrant action, and no food waste was present*)

Flank wall

- Rendered side wall of house is inappropriate and harms the appearance of the building (See para 4.1)
- Parapet above ground floor extension has already been raised to create a roof terrace (7.1-7.6 & 8.1-8.4)
- Garden door should not be an access to the ground floor flat (4.6)
- Door to flank wall should not open out onto pavement (1.2)
- The door to Bramshill gardens should be timber, not uPVC (1.2)

Roof terrace

- Roof terrace will cause loss of privacy to houses opposite (1.2)
- Raising the parapet to create a terrace would unbalance the building (7.1-7.6 & 8.1-8.4)

Other

- Door from back entrance has never opened out (*Officer comment: Proposal does include alterations to this door*)
- The ground floor extension is new (See para 7.5)
- Ladders on the roof are potentially dangerous (*Officer comment: not a planning matter*)

CAAC/Local group comments:

Dartmouth Park CAAC point out that the existing uPVC windows and front dormer are unsightly and that the render had weathered reducing its visual impact, but the painting of the render now harms the street scene. They object that:

- The side wall is already bulky and visually intrusive, raising the parapet would make it look worse (See paras 7.1-7.6 & 8.1-8.4)
- The door leading out onto the terrace would look out of place (7.1-7.6 & 8.1-8.4)
- Some windows have already been changed (4.1)
- Rear dormer has been significantly altered (4.2)
- Application states that there are no trees on site, but there is history for tree works in 2004 (*Officer comment: Passed to Enforcement Team to investigate*)
- Front boundary wall has been demolished without conservation area consent, the replacement should be the same as the original (4.5)
- Bin store door is inappropriate and should not open out onto the street (1.2)
- No proposed front elevation has been submitted (*Officer comment: Elevation now on website*)
- New soil pipe should not be located at the front (*Officer comment: No soil pipe is shown on the proposed front elevation*)
- Drawings show some sort of bridging structure between front bay and side wall (*Officer comment: This was the base of the bin store which has now been removed from the proposal*)
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Site Description

The site is located on the corner of Chester Road and Bramshill Gardens. The house is a two storey red brick building with a double height square bay with gable above. The site lies within the Dartmouth Park Conservation Area and is identified as a building that makes a positive contribution to the character and appearance of the conservation area. The house is typical of this part of the conservation area, but has been unsympathetically altered in the past with the introduction of a dormer to the front roofslope adjacent to the gable, the rendering of the flank wall facing Bramshill Gardens, and the replacement of the original sash windows with uPVC windows. These alterations appear to have taken place some time ago. More recently, the front boundary wall has been demolished, the side wall to Bramshill Gardens at the rear of the house has been raised by 1.1m to provide a parapet wall for a proposed roof terrace, the rear dormer has been slightly altered, a uPVC window inserted to the flank elevation facing Bramshill Gardens, and the entire flank elevation has been repainted. As the building is still lawfully a single family dwelling, some of these works are permitted development, however the raising of the parapet and the demolition of the boundary wall would require planning permission and conservation area consent.

Relevant History

None

Relevant policies

LDF Core Strategy and Development Policies

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes
DP6 Lifetime homes and wheelchair homes
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011
Dartmouth Park Conservation Area Appraisal and Management Strategy
NPPF 2012

Assessment

1 Proposal

- 1.1 The proposal is for the conversion of the house from a single family dwelling to two self-contained flats, and minor external alterations. Some work has already begun, including the raising of the wall to Bramshill Gardens and some internal stripping out, but these works ceased after intervention from the Council's Planning Enforcement Team who advised that a planning application would be required.
- 1.2 The scheme has been revised during the course of the application. The proposed roof terrace, and associated balustrading to the rear and replacement of a window with a door to access the terrace, have been removed from the proposal as they were considered harmful to the character and appearance of the building and conservation area. The replacement door to the garden has been revised from upVC to timber and to open inwards, and the proposed bin store at the front has been removed. The remaining proposed external alterations to be considered as part of this application are the insertion of a window and replacement garden door at ground floor level to the flank elevation of the building on Bramshill Gardens.
- 1.3 The main issues are:
- Principle of development
 - Standard of proposed accommodation
 - Design
 - Neighbour amenity
 - Transport
 - Enforcement

2 Principle of development

- 2.1 Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposal would not result in the loss of residential floorspace, nor would it result in a loss of residential units. The proposal would provide 1x 2-bedroom flat and 1x 3-bedroom flat, the mix of units is considered appropriate and the Dwelling Sizes Priority Table in the LDF identifies 2-bed dwellings as being a very high priority in the borough, and large homes of three or more bedrooms as being medium priority. As such the provision of new residential accommodation is compliant with policies CS6, DP2 and DP5 as long as it meets the Council's residential development standards and does not harm local amenity.

3 Standard of residential accommodation

Residential development standards

- 3.1 The proposal would provide two self-contained units comprising a 2-bedroom 3 person flat on the

ground floor with a floorspace of approximately 57sqm, and a 3-bedroom 4-5 person maisonette on the first and second floors with a floorspace of approximately 91sqm. The flat is only marginally below Camden's minimum space standard of 61sqm for a 3 person unit while the maisonette exceeds the standard of 84sqm for a 5p unit. This shortfall is considered acceptable, given the constraints of the property's floor layout. Primary bedrooms are in excess of 11sqm which complies with Camden's residential development standards. Both flats would be dual aspect with good daylight, natural ventilation, storage areas and regular sized and shaped rooms. A bin store was proposed for the front of the property, but this was considered harmful to the appearance of the building. The bin store has been removed from the proposal and the applicant advised that the rear of the property would be a more acceptable location. An informative will remind the applicant not to leave refuse sacks on the highway until 30 minutes before collection.

- 3.2 It is noted that the upper flat does not have access to outdoor amenity space as the terrace has been removed from the proposal, however is not uncommon for flats in conversions not to have external amenity space. On the whole, It is considered that the proposed units would provide an appropriate standard of accommodation for future occupiers.

Lifetime Homes

- 3.3 Policy DP6 requires all new residential accommodation, including conversions, to meet Lifetime Homes standards. It is acknowledged that conversions may not be able to meet all of the criteria due to existing physical constraints, and the applicants have provided a limited Lifetime Homes Statement which indicates that the proposal will comply with the criteria where relevant. A condition will specify that the features denoted to be met shall be implemented.

4 Design

- 4.1 As mentioned previously, some external work has already taken place. uPVC windows have been installed and the side and rear of the house has been rendered, but there is no evidence to suggest that this is recent. The Conservation Area Appraisal, which was written in 2009, refers to the uPVC windows and the front dormer of this property, and older photos of the property show the flank wall to be rendered. As such, as these works are likely to have been carried out more than four years ago they are considered to be lawful and are therefore immune from enforcement action.
- 4.2 Some work is more recent such as the insertion of a uPVC window to the side elevation at ground floor level, alterations to the fenestration of the rear dormer window, and the painting of the rendered flank elevation. As the building has not yet been divided into two flats, or occupied as such, it is still lawfully a single dwellinghouse and these works would benefit from permitted development. The new window to the side wall and the refurbishment of the dormer window are considered to be permitted under Part 1 Class A (The enlargement, improvement or other alteration of a dwellinghouse) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Painting the exterior of a building, whether it is a single dwellinghouse or not, is permitted under Part 2 Class C (The painting of the exterior of any building or work) of the same order. The raising of the flank wall and the demolition of the front/side boundary wall are dealt with in the enforcement section of this report.
- 4.3 As such, the only external alterations that form part of this proposal are the rebuilding of the front boundary wall, and the insertion of a window and replacement garden door, to the side elevation facing Bramshill Gardens at ground floor level.
- 4.4 The garden wall has been demolished. It is proposed to rebuild it to the same height, design and materials as the previous wall. This is acceptable, and in itself would not require planning permission. Enforcement action will ensure the wall is rebuilt.

- 4.5 The garden door is an existing opening, it leads to the rear garden of the property and not directly into the building. It is not considered inappropriate for the flats to have separate entrances. The previous timber door has been replaced with a temporary door and it is now proposed to install a simple timber door. As the door is to a garden, the timber replacement is considered appropriate for the conservation area.
- 4.6 It is proposed to install a uPVC window in the side elevation at ground floor level. The window would measure 900mm x 390mm and provide light to the proposed kitchen. Although uPVC is not normally suitable for conservation areas, as the proposed window is relatively small, single paned, to a side elevation, and the rest of the building has uPVC windows, in this instance a uPVC window is not considered to harm the character or appearance of the host building or conservation area.
- 4.7 As such the proposal is not considered to harm the character or appearance of the host building or conservation area and would comply with policies CS14, DP24 and DP25 of the LDF and Camden Planning Guidance.

5 Amenity

- 5.1 There are no extensions proposed to the building so the proposal is not considered to impact on daylight or sunlight to adjoining properties. The only new window is to the side elevation at ground floor level facing the street, and as the roof terrace has been removed from the proposal, it is not considered that the proposal would lead to overlooking.
- 5.2 As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF and Camden Planning Guidance.

6 Transport

Car-free housing

- 6.1 The site has a Public Transport Accessibility Level (PTAL) of 3 (medium). The nearest station is Tufnell Park located 800m to the south east of the site with bus stops located on Dartmouth Park Hill. The site is within the Highgate Controlled Parking Zone (CA-U) which operates between 8.30am and 6.30pm Monday to Friday and 8.30am to 1.30pm on Saturdays. The ratio of permits to residents' bays is 0.73:1 (2007) so the CPZ is not identified as suffering from parking stress.
- 6.2 Policy DP18 states that the Council will expect development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road/ Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other highly accessible areas. 'Highly accessible areas' are considered to be areas with a public transport accessibility level (PTAL) of 4 and above. As the site is not within a highly accessible area and the CPZ is not identified as suffering from parking stress, it is not considered necessary to require the additional unit to be made car-free.

Cycle storage

- 6.3 Camden's Parking Standards for cycles states that one storage or parking space is required per residential unit. The proposal is for 2x units; therefore 2 cycle storage/parking spaces would normally be required. However, given the constrained nature of the site it is accepted that full provision cannot be met. It is likely that the ground floor flat would provide sufficient space internally or externally for cycle storage, as such it is considered that the requirement for cycle storage can be waived in this instance.

7 Enforcement

- 7.1 As mentioned previously, some work has already taken place which is either immune from enforcement action due to the passage of time or permitted development due to the site still lawfully being a single dwellinghouse. Some work has taken place which is not permitted development and would require planning permission or conservation area consent.

Side parapet wall

- 7.2 The original application included a roof terrace on top of an existing single storey rear addition. The terrace has been removed from the proposal as the proposed balustrading to the rear, and the replacement of a window with a door and steps leading down to the terrace, was considered harmful to the character and appearance of the host building and conservation area.
- 7.3 The terrace would also have included a raised parapet wall to the extension where it faces Bramshill Gardens. This has already been constructed and the parapet has been raised with courses of breeze blocks by 1100mm for a length of 3.8m.
- 7.4 The raising of the side wall is not considered to be permitted development either under Part 1 Class A.1(e) (of the General Permitted Development Order) where the enlarged part of the dwellinghouse has a single storey and extends beyond the rear wall of the original dwellinghouse by more than 3 metres or exceeds 4 metres in height, under Part 1 Class A.3(a) where the materials used are not of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, or under Part 2 Class A where the height of any wall erected or constructed adjacent to a highway would exceed one metre above ground level or its former height whichever is the greater.
- 7.5 The breeze blocks have not been rendered to match the rest of the building and are a harmful addition to the side of the property. If the raised parapet was rendered to match the existing side elevation it would still be considered harmful to the appearance of the property and the conservation area. The side of the building has already been built up with the introduction of a historic rear infill extension. This already creates a largely featureless wall 3m high- by raising this by a further 1.1m, it would add to the overbearing and oppressive nature of the side elevation, and would be in marked contrast to the garden wall which is under 2m in height and allows a view of the verdant rear spaces of Chester Road.
- 7.6 As such the raising of the side wall, and the materials used, are considered to harm the character and appearance of the host building, street scene and wider Dartmouth park Conservation Area contrary to policies CS14, DP24 and DP25 of the LDF and Camden Planning Guidance.

Front/side boundary wall

- 7.7 The wall and piers to the front of the property facing Chester Road and to the side on Bramshill Gardens have been demolished. The piers measured approximately 1.7 and 1.8m in height, and the wall 1-1.1m facing Chester Road and 1.6m facing Bramshill Gardens. Conservation Area consent is required to take down any wall, gate or fence which is over 1 metre high where abutting a highway.
- 7.8 The Conservation Area Appraisal highlights the loss of original boundary walls as a negative feature in this sub-area of the conservation area, and points out that front boundary walls, fences and hedges are often designed to complement buildings and their loss or replacement can erode the qualities of a building or cause an unsightly gap in the street scene.
- 7.9 Conservation area consent for the demolition of the wall has not been submitted and would not be recommended for approval as the removal of the wall would harm the character and

appearance of the host building and would leave an unsightly gap in the street scene which would be particularly noticeable due to the site's prominent location on the corner of two roads.

8 Community Infrastructure Levy (CIL)

- 8.1 The proposal will not be liable for the Mayor of London's CIL as no additional floorspace is proposed and the property is not vacant.

9 Recommendation: Grant Planning Permission and Warning of Enforcement Action to be taken.

Planning Enforcement Notice

- 9.1 The Head of Legal Services be instructed to issue an **Enforcement Notice** under Section 172 of the Town & Country Planning Act 1990 as amended requiring the removal of the unauthorised parapet wall and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

9.2 The Notice shall allege the following breach of planning control:

The unauthorised erection of a parapet wall to the 1st floor side elevation of the property

9.3 What you are required to do:

The notice shall require that within a period of 3 calendar months of the notice taking effect the unauthorised parapet wall be removed.

9.4 REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

The unauthorised parapet wall by reason of its location, design and use of inappropriate materials is detrimental to the character and appearance of the host building, street scene and wider conservation area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 (Securing high quality design), and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

Conservation Area Enforcement Notice

- 9.5 That the Head of Legal Services be instructed to issue a **Conservation Area Enforcement Notice** under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended, requiring the re-instatement of the wall and officers be authorised in the event of non-compliance to prosecute under Section 43 and/or appropriate power and/or take direct action under Section 42 respectively, in order to secure the cessation of the breach of planning control.

9.6 The Notice shall allege the following breach of planning control:

The unauthorised demolition of the front garden boundary walls

9.7 What you are required to do:

The notice shall require that within a period of 3 calendar months of the notice taking effect the

front garden boundary walls be re-instated to match the height, location and design of the walls shown on existing plans refs 04 and 05.

9.9 REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

The unauthorised demolition of the wall is detrimental to the character and appearance of the host building, street scene and wider conservation area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 (Securing high quality design), and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

DISCLAIMER

Decision route to be decided by nominated members on Monday 14th May 2012. For further information please click [here](#).