

Design and Access Statement REV B

11th July 2011

PRE APPLICATION PLANNING SUBMISSION

Proposed Development for the conversion of the upper parts to form 7no. flats at

465-467 Finchley Road, London, NW3 6HS

Introduction

This application is for a residential redevelopment using the upper parts and extended roof and side of an existing building at 465-467 Finchley Road to form 7no. new flats above a retail / commercial unit. The building also has a small side rear/side extension to the West End Lane elevation from basement to first floor level.

Planning History

The site at 465-467 Finchley Road is currently vacant. In 2006 (Ref: **2006/3212/P**) there was a planning application for a change of use at Ground Floor from two Class A1 retail units to one Class A3 Restaurant including external seating. This scheme was granted approval on 12th March 2007.

A second planning application was submitted in 2010 for an extension of time limit pursuant to the permission granted in 2007. (Ref: **2010/1084/P**). This extension was granted in April 2010.

The current designation of 465-467 Finchley Road is as an HMO (House of Multiple Occupation). This has been valid since 1999. It is noted that the client disputes this terminology in its application to the site as he maintains that the building contained 2no. self contained flats with additional rooms that were used infrequently for either storage or accommodation. This issue was taken further through an appeal for the refusal by the council to grant a Certificate for Lawful use (**Ref:2007/4293/P**) in 2007 with the appeal decision issued in 2009. Please refer to **Appendix 03** for the Appeal decision. It is noted that the appeal decision accepts that the current use of the building is not as an HMO. (**Appeal Reference: APP/08/2078483**)

The site has a history of being associated with crime and illegal occupancy and is well known in the area for its negative impact on the streetscape and community.

The current application to convert the upper parts of this building has been discussed at pre-planning meetings with the Camden Duty Planning Officer Bayard McKenzie on 17th November 2009. The notes from this meeting are included as **Appendix 01** with this Design and Access Statement. In summary it was agreed that a mansard roof was the most appropriate way of extending the site capacity. It was further understood that the council will resist the change of the upper parts from a HMO to a series of self contained flats. The council would only consider this option if the HMO was seen as being substandard and incapable of being upgraded to a habitable standard of accommodation.

In light of these recommendations, a Pre-Planning application was submitted seeking further advice in March 2011 and the notes from this application are included as **Appendix 02**. The advice given in response to this application appears to contradict what was discussed at the meeting and covered in the meeting notes included as Appendix 01. In the first instance, the roof top extension has been dismissed and deemed inappropriate.

This document aims to demonstrate how the conversion of the HMO into self contained units is a better use of the existing space providing a much needed level of good residential accommodation in the borough.

Site Location and Context

The building at 465-467 Finchley Road is a dual aspect corner property that has two elevations facing Finchley Road and West End Lane. Both roads are busy routes that are made up of a mix of uses including residential, retail, commercial and small offices.

The elevation along Finchley Road is designed to fit in as part of the grander parade of buildings that stretch from No.s 465-489 with a distinct parapet at roof level and brickwork and stone banding to the upper parts of the building.

Milan Babic ARCHITECTS

Bickels Yard, 151B Bermondsey Street, London, SE1 3UW t: 020 3117 0120 f: 020 3117 0122

The elevation to West End Lane is more in keeping with the smaller scale of the buildings along this road including a bay window elevation which replicates the surrounding buildings. The surface is also painted white render which again marks it out as a separate style altogether from the Finchley Road elevation. To the rear of the main building there is an existing double storey extension which steps down in height and sits lower than No.465 Finchley Road and the neighbouring building at 367 West End Lane.

This smaller and somewhat subservient structure has been added on to the main bulk of the building standing at 2-storeys high including a lower basement. West End Lane slopes down westwards from the junction with Finchley Road and the smaller rear extension to the main building therefore sits at a lower level. The proposed new side extension sits aligned with the existing building line that is formed by the neighbouring buildings. The side extension on West End Lane has been proposed to create more space at basement and ground floor levels.

It is worth noting that the corner buildings at this junction are all designed so that they stand taller than the neighbouring buildings either in terms of an additional floor level, a church tower or a rounded cupola topped turret. This distinct corner feature aspect is a key part of this application which is replicated in the form of a set back mansard roof.

The existing building is in a severe state of disrepair and requires urgent remedial works or even total demolition. This application aims to vastly improve the streetscape through its careful treatment of the facades to both main roads as well as improving the residential accommodation within the area.

Design component

The design proposal is for the conversion of the vacant upper parts into 7no. self-contained residential units comprising of 6 x 1-bedroom unit, 1 x 2-bedroom units. The spaces defined by the existing building limit the number of options available for having a mix of units. The extension to the rear of the building adjoining No.367 West End Lane is the only location where it is possible to allow for a 2-bedroom unit.

The side extension to the building along the West End Lane elevation has been extended whilst retaining the existing building line and essentially follows the format of the existing bay window area thus retaining the original identity to this elevation. This extension has been treated such that it forms a subservient yet interesting intervention in the gap on the streetscape. The fenestration has been deliberately downplayed and made up of minimal aluminium sections and the final finish to this elevation is red brick which is copied from the surrounding buildings. The aim here is to create a subservient structure that fits in well with the established streetscape. The monolithic brickwork extension works as a stark contrast to the traditional styling of the main building and as a result is to be perceived to enhance its immediate context.

The rear mansard roof at first floor level however is designed to match the existing building and forms a comfortable addition to the streetscape whether it is viewed as part of the main building or separately in line with the existing neighbouring buildings. Proposed materials again include white render and paint with timber frame windows. The mansard roof and dormer windows are made using slate tiles to match the existing main building roof.

The ground floor area to the main bulk of the building has been granted approval for a change of use as an office, retail or restaurant unit. The proposal therefore indicates that this area will be refurbished to a shell unit ready for fitting out by prospective tenants in the future.

Flat no.1 is accessed separately from the lower ground floor level at West End Lane and is spread out over two levels with the living spaces at lower ground and bedrooms at upper ground level. The remainder of the flats are accessed via a staircase from the ground floor entrance doorway at street level leading through to the upper parts.

There are 2no. flats per floor at first, second and third floor levels. The apartments meet the minimum floor areas required by Camden Council therefore providing suitable accommodation within an existing building. All flats entrances are accessed from a central stair core which is lit from above by means of a roof light. The living spaces enjoy dual aspect window elevations affording plenty of light and ventilation into the rooms. Owing to the corner element of the existing building, the rooms are shaped irregularly however the layout of the flats ensures that the spaces are suitably designed for optimum use. The layouts also repeat from one floor to the next which

is an ideal scenario for containing noise. Similarly, the living spaces are located along the corner and front of the site facing Finchley road whilst the bedrooms are located to the rear and quieter part of the scheme.

The scheme has been considered in terms of safety and security and PIR motion sensor lights have been proposed around the ground and lower ground floor entrance areas.

Access Component

The restrictive format and footprint of the existing building severely limits the extent to which the scheme can be adapted to be in compliance with building regulation part M2 appropriate DDA part 1 (Residential use) for upper floors. There is no facility to install a lift and the central staircase core is further limited in terms of its overall width. There is only the option of providing handrails to both sides of the staircase in order to afford ambient disabled persons access to the upper parts.

The guidelines outlined in the Lifetime Homes Documents and further referred to in the validation letter from the council are as follows:

Criteria No.1: Parking Bay

A parking bay on plot of approximate dimensions 3600 x 3300 is impossible to provide on this site as it is an existing corner site building and therefore does not have any facility to park a car on the plot. The building occupies the full area of the plot for No. 467 and on No. 465 there is a small amount of space facing West End Lane however this is still not enough to take a parking bay.

Criteria No.3: Approach to all entrances

The site is at the apex of a gently sloping hill. Access to the 6 flats towards Finchley Road is via the street level through an existing entrance which has a stepped threshold. This is an existing building and there is very little scope to change this feature. The smaller extension further along West End Lane is accessed via a series of steps leading down to reach the lower ground floor level. There is a drastic change in level over a very small distance and therefore any ramp proposed in this position would be too steep for use.

Criteria No.5: Communal Stairs and Lifts

The proposal meets all items highlighted in Criteria 5a. The staircase specification will be detailed in the design stages at a later date to meet with all the current building regulations. Criteria 5b is irrelevant to this application as it concerns the provision of a lift.

Criteria No.6: Internal Hallways and Doorways

The existing format and limited space within the building does not allow for corridors as wide as 1200mm for common parts. The internal corridors are however a minimum width of 900mm for all of the flats.

Criteria No.7: Circulation Space

The circulation space within the flats is limited – again this is owing to the existing rigid structure of the building. In order to meet the minimum room size standards, the spaces allocated for circulation as set out by Criteria No.7 are compromised. The circulation space standards are furthermore a redundant exercise because there is no lift or stairlift available to reach the upper floors where the living accommodation is located.

Criteria No.10: Entrance Level WC

Flat no.1 has a WC at entrance level only. However this still entails using 5no. steps from the street level leading down the front entrance of this duplex flat.

Criteria 12: Stairs and potential through-floor lift

There is no option to introduce a lift into this building/

Criteria 14: Accessible Bathroom

This scheme does not provide facilities for an accessible bathroom as the proposed new accommodation does not provide any means of reaching the upper floors without a lift or stairlift.

Criteria 15: Glazing and Window Handle heights

The existing windows to the building are to be repaired and replaced matching like for like. As a result, no further changes can be made to the glazing and the heights of the door and window handles. The new extended parts can incorporate this item towards the rear of the building specifically.

Specific Access IssuesCar parking

The proposed scheme is to be considered as a car-free development owing to its location close to a town centre with strong public transport links.

Cycling

A secure covered cycle store has been provided at the ground floor street level with the capacity to hold 7no. bicycles which ties in with the policy of one bike per flat.

Public Transport

The site is well connected by six separate bus routes along Finchley Road which operate at regular intervals between various tube stations and high streets in the area. To the North of the site there is a main bus transport hub at Golders Green station which is an active interchange for a number of other routes in this region.

Local Tube stations include Finchley Road, Golders Green and West Hampstead. Frognal Road is the nearest British Rail Station in the area and is connected to the Thameslink Rail in North London.

Pedestrian Approach

The proposed development is less than a 10 minute walk from the Finchley Road and 15mins walk from West Hampstead Underground Stations. The nearest bus stop to the site is less than 2 mins walking distance from the site.

Refuse and Recycling

Refuse and recycling bins have been provided in a designated space next to the cycle store at ground floor level. The location opens out onto the pavement of West End Lane and the bins can be easily wheeled out on a designated day for collection by the council.

Relevant Policies According to the UDP and The London Plan

The following policies have been reviewed in order to justify the development of the scheme. These are in line with the advice given at pre-planning stage meetings.

1.0 Policy SD3 - Mixed-use development

The Council will seek a mix of uses in development, including a contribution to the supply of housing, and will not grant planning permission for development that reduces the amount of floorspace in secondary uses, unless it considers that particular characteristics of the proposal, site or area would make development of housing or a mix of uses inappropriate. In the Central London Area and the Town Centres of Camden Town, Swiss Cottage / Finchley Road and Kilburn High Road where a proposal would increase total gross floorspace by more than 200 sq m, the Council will expect a contribution to the supply of housing, and where appropriate will seek to negotiate up to 50% of additional gross floorspace as housing, except in the Hatton Garden area, where a smaller proportion may be accepted.

In considering the mix of uses and the appropriate contribution to the supply of housing, the Council will have regard to:

- a) the character, diversity and vitality of the surrounding area;*
- b) the suitability of the site for mixed use development;*
- c) the need and potential for continuation of an existing use;*
- d) whether the floorspace increase is needed for an existing user;*
- e) the need for an active street frontage and natural surveillance; and*
- f) any over-dominance of a single use in the area, and the impact of the balance of uses proposed on the area's character, diversity and vitality. In considering whether the particular characteristics of the proposal would make development of housing or a mix of uses inappropriate, the Council will have regard to the extent to which the development is purely publicly funded, in for instance proposals for the university or hospital sectors, and may not seek a mix of uses in such cases.*

The proposed development appears to fit the criteria of this policy whereby the ground floor area is in keeping with the local street character and proposes a shop / office / restaurant. The upper floors then have a separate access leading up to 8no. flats which include a mix of one and two bedroom apartments.

2.0 Policy SD4 - Density of development**Milan Babic ARCHITECTS**

Bickels Yard, 151B Bermondsey Street, London, SE1 3UW t: 020 3117 0120 f: 020 3117 0122

The Council will grant planning permission for development that makes full use of the potential of a site and will not grant planning permission for development that makes inefficient use of land. In assessing density, the Council will consider:

- a) the character, scale, amenity and density of the surrounding area;*
- b) the nature of the site;*
- c) the quality of the design;*
- d) the type of development being provided;*
- e) the availability of local facilities, services and open space;*
- f) accessibility by public transport; and*
- g) the potential impact on the local transport network.*

High density development will be expected at locations in the Central London Area, Town Centres and other locations well served by public transport.

The proposed development aims to form a good quality design which works well with the existing building and local character of the area. The existing facades are to be refurbished to their original state whilst the proposed materials to the new extended parts are inspired by and made to replicate details of the existing surrounding buildings.

In terms of scale, the bulk and massing of the extended parts works successfully with the existing building with the highest part forming a small third floor mansard roof construction behind an existing wall and the lowest part as a pared back subservient addition to a small rear extension. The projecting side extension continues with theme of a bay window to the front of the building and immediately aligns it with the format of the neighbouring facades in the area.

The development was registered as an HMO in 1999 and over the years has caused some level of difficulty with the neighbours owing to antisocial behaviour of the previous occupants. The building has been boarded up for number of years and the client has had to involve the police and local council to evict squatters on at least two occasions.

In terms of accessibility, the site is well located along a busy main road featuring several bus routes and there are various train and tube stations also within walking distance.

3.0 Policy SD6 - Amenity for occupiers and neighbours

The Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours. The factors the Council will consider include:

- a) visual privacy and overlooking;*
- b) sunlight and daylight levels;*
- c) artificial light levels;*
- d) noise and vibration levels;*
- e) odour, fumes and dust;*
- f) the adequacy of facilities for storage, recycling and disposal of waste; and*
- g) microclimate.*

The proposed development is within the cartilage of an existing building and therefore does not create any additional issues with the sunlight/daylight enjoyed by neighbouring residents. Similarly, the extended mansard roof development does not create any further opportunity for overlooking and loss of privacy for neighbouring buildings. The refuse and recycling store is located at street level alongside a cycle store. Once again this does not have any negative impact on any neighbouring residents.

4.0 Policy H1 - New housing

The Council will seek to meet and exceed the strategic housing target for the Borough. The Council will grant planning permission for development that increases the amount of land and floorspace in residential use and provides additional residential accommodation, provided that the accommodation reaches acceptable standards. The Council will seek to secure the fullest possible residential use of vacant and underused sites and buildings, and may require suitable sites to be developed for primarily or wholly residential use.

The New Housing Policy stipulates the need for more housing in the area and especially wherever possible making use of underdeveloped, underused and vacant buildings. No 465-467 Finchley Road appears to fit this criteria

exactly. Furthermore, the scheme demonstrates how a mix of residential units can be achieved within in an existing building with each unit meeting or exceeding minimum areas required by guidelines.

5.0 Policy H3 - Protecting existing housing

The Council will resist proposals that lead to a net loss of residential floorspace, except if the loss is to provide small-scale health care facilities that are needed locally and cannot be provided on an alternative site. The Council will seek, so far as practicable and reasonable, to protect land considered suitable for housing.

In proposals for redevelopment or re-use of residential institutions (within Use Class C2) for a different use, the Council will expect the retention or replacement of existing residential floorspace.

The Council will not grant planning permission for a development that would involve the net loss of two or more residential units unless:

- a) it creates large affordable housing units; or*
- b) it creates large housing units in a part of the Borough with a relatively low proportion of large dwellings; or*
- c) any loss is necessary to bring sub-standard units up to an acceptable standard.*

And

6.0 Policy H6 - Protection of houses in multiple occupation

The Council will not grant planning permission for a change of use or conversion that would result in the loss of housing in multiple occupation of an acceptable standard, unless it is replaced by permanently available affordable housing.

And

7.0 Policy H8 - Mix of units

The Council will only grant planning permission for residential development that provides an appropriate mix of unit sizes, including large and small units. The Council will consider the mix and sizes of units best suited to site conditions and the locality, and the requirements of special needs housing

The existing building in its current state has long been associated with crime, illegal occupancy and anti-social behaviour which has a negative impact on the local surrounds and community. The building is currently boarded up following a long dispute with squatters who were finally evicted over a year ago. The internal décor is in a severe state of disrepair and requires a major overhaul including reinstating and updating the utilities and services. No.465-467 Finchley Road in its present state is a substandard level of accommodation entirely unsuitable for living conditions and desperately in need of a refurbishment.

With reference to Policy H3, the new proposed scheme improves the standard of the accommodation as well as extending and increasing the amount of space available for residential units. The existing building in its haphazard arrangements appears to have 2no. flats and 5no. rooms spread out from first to third floor level which is entirely unsuitable for any level of accommodation. The new proposed scheme allows for 7no. new flats made up of a suitable mix of units from small families to single occupancy. These include 6 x 1-bedroom units and 1 x 2-bedroom unit. This proposed scheme is evidence enough that there will an improvement all round to the current standard of accommodation that caters for a wider range of prospective tenants.

8.0 Policy B1 - General design principles

The Council will grant planning permission for development that is designed to a high standard. Development should:

- a) respect its site and setting;*
- b) be safe and accessible to all;*
- c) improve the spaces around and between buildings, particularly public areas;*
- d) be sustainable by promoting energy efficiency and efficient use of resources;*
- e) be easily adaptable to changing economic and social requirements;*
- f) provide appropriate high quality landscaping and boundary treatments; and*
- g) seek to improve the attractiveness of an area and not harm its appearance or amenity.*

In assessing how the design of a development has taken these principles into account, the Council will consider:

- h) building lines and plot sizes in the surrounding area;*
- i) the existing pattern of routes and spaces;*

- j) the height, bulk and scale of neighbouring buildings;*
- k) existing natural features, such as topography and trees;*
- l) the design of neighbouring buildings;*
- m) the quality and appropriateness of detailing and materials used;*
- n) the provision of visually interesting frontages at street level; and*
- o) the impact on views and skylines.*

And

9.0 Policy B3 - Alterations and extensions

A - Alterations and extensions

The Council will not grant planning permission for alterations and extensions that it considers cause harm to the architectural quality of the existing building or to the surrounding area. The Council will consider whether:

- a) the form, proportions and character of the building and its setting, including the garden and nearby trees, are respected;*
- b) extensions are subordinate to the original building in terms of scale and situation;*
- c) original features are retained or restored;*
- d) high quality materials that match or complement existing materials are used;*
- e) unsympathetic alterations or extensions are removed or improved;*
- f) the architectural integrity of the existing building is preserved; and*
- g) building services equipment is appropriately located.*

B - Townscape features

Where it considers it would cause harm to the appearance and setting of a building or the established character of the surrounding area, the Council will not grant consent for:

- a) the infilling or covering of front light wells;*
- b) excavation to create new basements; or*
- c) the inappropriate alteration and replacement of boundary enclosures.*

Planning Policies B1 and B3 outline the design principles that have been carefully considered and incorporated into the scheme. The development allows for an overall improvement to the site including making the area more attractive and safer for occupants as well as the general public. PIR motion sensor lights have been included to all external areas and an additional CCTV security measure can also be introduced for the safety of the public and for the safeguarding of the actual building against squatters, refuse dumping and antisocial behaviour. The current site appears to be in a dilapidated state which is only enhanced by the treatment of the front and the side of the building as areas of overgrowth and refuse disposal. The residential aspect of the proposed development will ensure that the external parts are not mis-used.

In terms of the appropriateness of the extensions, it can be agreed that all new proposed alterations are subservient to the main fabric of the building with set backs at upper level mansard roof. Similarly the side extension respects the existing building line both in elevation and in plan and the deliberate use of brickwork instead of render aligns the small extension with the immediate neighbouring buildings. The proposed new parts of the main building on the third floor are designed to follow through with the existing detailing to the existing building including stone cills and cornice, timber frame windows and a mix of render or brickwork façade treatment.

Conclusion

This document describes proposals for the conversion an existing vacant building in a dilapidated state, to form a mixed use retail/restaurant and residential scheme supported by the UDP, and London Plan. The development describes a positive application of the principles set forth by Camden council concerning provision for regeneration, sustainability, creating more homes and overall improvement to the area.

The modified refurbished elevations with the new proposed rear and side extensions are a good example of contextual design that supports and respects the character of the local area creating a building which fits in well with its older and more established neighbouring buildings.

APPENDIX 01

FILE NOTES

PLANNING APPLICATION PLANNING SUBMISSION

Proposed Development for the conversion of the upper parts to form 7no. flats at

465-467 Finchley Road, London, NW3 6HS

FILE NOTES

PROJECT: 465-467 Finchley Rd.	JOB REF: 465-467 Finchley Rd.
AUTHOR: Peter North	DATE: 17/11/09

Venue: Camden Planning dept.

Attendance:

Peter North (MBA)
Bayard Mckenzie (Camden Duty Planner)

Meeting Notes

1. The duty planner highlighted the application for A3 use at ground floor level was granted and still valid until March 2010.
2. The council now offers a service by which this period can be extended for two years for an additional fee. The fee is the cost of the original application i.e. change of use = £335
3. In principle a mansard roof was considered the best way of extending vertically, it was noted by the planner that mansards were present in the context. However it was made clear any proposed mansard would be assessed on design and must not be detrimental to the amenity of the surrounding properties.
4. Amenity space in this location would be viewed as premium; therefore distance to local parks and open spaces would form part of the criteria for assessing amenity space. It was noted that the provision of amenity space becomes more significant if the proposed development comprised of 5 + units and a section 106 would be necessary.
5. The duty planner stated that with the rejection of a certificate of lawfulness for self contained flats, the lawful use appears to be a HMO (House of multiple occupancy.) With the exception of the self-contained unit at third floor level.
6. Policy H6 of Camden's Adopted UDP refers to protection of houses in multiple occupation, specifically the resistance against change of use of existing HMO's to self contained units.
7. The council will resist change of use, unless the existing accommodation is substandard and incapable of being upgraded to a habitable standard.
8. The possibility of a mixed scheme of HMO's and self contained flats could be discussed prior to an application being submitted with the major applications team.
9. The site lies in a designated neighborhood area and a classified road area.
10. The site has been designated a HMO since 1999.
11. It was noted that the council is strict with implementation of policy H6.

12. If a mansard is proposed it could be a self contained unit.

13.

General Observations:

Find attached policy H6 and associated clauses.

H6 - Protection of houses in multiple occupation

The Council will not grant planning permission for a change of use or conversion that would result in the loss of housing in multiple occupation of an acceptable standard, unless it is replaced by permanently available affordable housing.

- 2.43 In planning terms, houses in multiple occupation (HMOs) provide non-self contained units with shared facilities. They are a valuable source of accommodation in the Borough, meeting a need for low-cost housing, especially among young people, those on low incomes and single person households.
- 2.44 HMOs experience pressure for conversion into self-contained units, which are generally made available at higher rents or sold for owner-occupation. When lost, such accommodation is unlikely to be replaced. The falling number of HMOs has reduced the supply of low-cost housing and, therefore, reduced the choice available in the Borough to those on low incomes, who have few housing alternatives.
- 2.45 Therefore, the Council will generally seek to resist proposals which would result in the loss, without replacement, of a house in multiple occupation of an acceptable standard, i.e. which complies with, or is capable of reaching, the appropriate standards under environmental health legislation. The conversion or change of use of a HMO may be considered acceptable where the use is replaced by permanently available affordable housing. The conversion of non-self-contained units to self-contained flats may be allowed if a planning obligation is secured that prevents the new units being sold separately or converted into larger units and sets a maximum rent level to maintain affordability. The Council's definition of affordable housing is set out in paragraph 2.16 and supplementary guidance.

Definition of affordable housing

- 2.16 In accordance with the government's guidance on Local Housing Needs Assessment, affordable housing is housing that would allow a household in need of accommodation to access a suitable property by spending no more than 3 times their gross annual household income (if buying), or no more than 30% of their net

household income (if renting). Government guidance indicates that affordable housing encompasses both low-cost market and subsidised housing (irrespective of tenure, ownership - whether exclusive or shared - or financial arrangements) that will be available to people who cannot afford to occupy houses generally available on the open market. Within Camden, open market values for private residential accommodation (for both rent and sale) are generally much higher than the London average. Low-cost market or shared ownership schemes may make a contribution to meeting affordable housing need, but often will not be affordable to local residents.

APPENDIX 02

PRE APPLICATION ADVICE

REFERENCE: 2011/1346/NEW

PLANNING APPLICATION PLANNING SUBMISSION

Proposed Development for the conversion of the upper parts to form 7no. flats at

465-467 Finchley Road, London, NW3 6HS

Milan Babic
Milan Babic ARCHITECTS
Bickel's Yard,
151B Bermondsey Street,
London,
SE1 3UW

Application Ref: 2011/1346/NEW
Associated Ref: -
Please ask for: **Gavin Sexton**
Telephone: 020 7974 3231

12 May 2011

Re: Pre-application meeting on 465-467 Finchley Road, NW3 6HS

Dear Milan Babic

Please see below my feedback from the pre-app meeting which took place on 15th April 2011.

Information submitted:

Design and access statement dated 10/3/2011.

Site plan; Photomontage of proposed side and mansard extensions; Pre679/002, 003, 004, 005, 006, 010, 011, 012, 013, 014, 015, 017 (all dated March 2011)

Background :

The drawings submitted show the conversion of the upper floors and the addition of roof and side extensions in order to provide 8 self-contained flats.

Principal of development:

The history of the site is complex and is the subject of a fairly recent inspector's decision on the use of the property. It has been established that the property is largely in HMO use, but it is also apparent that the site is in very poor state of repair. It is understood that the property was on the Councils list of registered HMOs but was identified as vacant in 2006.

The council has a strong preference for residential development and the Council has taken an interest in returning this vacant building to residential use. The principal of residential development on the site is acceptable.

The council also has a preference for the retention of HMOs, as expressed in Local Development Framework (LDF) policy DP9. There are certain caveats to this which relate to the standard of existing accommodation and other considerations. You are advised to refer to the policy and in particular supporting paragraph 9.16 which discusses bringing vacant properties back into use. It may be that there are sufficient grounds for a proposal to convert the existing HMO rooms on the site into self-contained units. This would depend on the development proposals put forward, the detailed evidence on the condition of the building and the costs of refurbishing it.



If the self-containment of units is required in order to make a development viable the Council may seek to secure some of the self-contained units as affordable units, depending on the number of units proposed. Refer to policy DP3 which sets out the thresholds for triggering the need for affordable housing.

The Council expects a mix of unit sizes on site in accordance with the housing priority needs set out in LDF policy DP5.

Design

The design proposals put forward are not acceptable on a number of grounds. The proposals include significant extensions to the side, rear and at roof level.

- The main corner building forms part of the mansion block and terrace which has a strong parapet line that is highly visible in local views, is unaltered and therefore the principal of roof extension at this location is not acceptable.
- The projecting extension to the bay on the side elevation onto West End Lane is too bulky and would read as an incongruous addition to the street elevation. Any addition should respect the prevailing building line and not project forward of it. There may be some capacity for modest additions at lower ground floor to accommodate bin and cycle stores but it should be appropriately designed to be inconspicuous from the street.
- The proposed addition of a mansard roof to the side building would increase its visual dominance in the gap between the buildings along the streetscene to an unacceptable degree. This building should be read as a subservient addition to the building and forms part of the boundary between the application site and neighbouring properties. There is very limited scope for an increase in height to this element.
- Any design approach may need to consider the setting of the grade II listed church across the road.
- Infill at 3rd floor behind the retained parapet wall is likely to be acceptable, subject to considerations of the amenity of neighbours. It was not clear from the submitted documents how close the neighbouring residential rooms are to the site or the nature of their uses.

The Council expects development to meet LifetimesHomes standards. A statement shall accompany any application which sets out how each of the standards is met or reasons why it cannot be reached.

We would expect one secure and covered cycle storage space per new unit and suitable, accessible refuse areas within close proximity of the street for ease of public collection.

Details of any change to the boundary treatment along the street frontages should be included as part of any application

Amenity

It is clear that this design feedback will have significant implications for the layout and number of residential units. All residential units should be designed to meet the Council's published room and unit size standards and would be expected to provide a high standard of amenity and outlook.

All additional bulk and massing or the introduction of new windows needs to take account of the potential for impact on existing neighbours in terms of daylight, sunlight and potential for overlooking.

Additional issues

It is likely that we would seek to secure the following by way of a S106 legal agreement:

- Education contribution – refer to Camden published guidance on financial calculations
- Open space contribution – refer to Camden published guidance on financial calculations

May 12, 2011

- Ecohomes 'very good'
- Energy plan indicating how the site potential for generating renewable energy will be captured
- Car free development

In the event that amended proposals seek to provide 5 or more residential units the application would be treated as a Development Control Committee case, if a recommendation for approval is to be made. Applications for fewer than 5 units may be dealt with under delegated powers by officers.

This document represents the Council's initial view of your proposals based on the information available to us at this stage. It should not be interpreted as formal confirmation that your application will be acceptable nor can it be held to prejudice formal determination of any planning application we receive from you on this proposal.

If you have any queries in relation to the above matters do not hesitate to contact me.

Yours sincerely,

Gavin Sexton
Principal Planning Officer

On behalf of the Director of the Culture & Environment Department

APPENDIX 03

PLANNING APPEAL DECISION

REFERENCE: APP/X5210/X/08/2078483

PLANNING APPLICATION PLANNING SUBMISSION

Proposed Development for the conversion of the upper parts to form 7no. flats at

465-467 Finchley Road, London, NW3 6HS



Appeal Decision

Inquiry held on 9 June 2009

by **Claire Sherratt** DipURP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
6 July 2009

Appeal Ref: **APP/X5210/X/08/2078483** **465 & 467a Finchley Road, London NW3 6HS**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by A J Govani Esq against the decision of the Council of the London Borough of Camden.
- The application Ref 2007/4293/P, dated 22 August 2007, was refused by notice dated 21 December 2007.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is 3 self contained flats in 465 Finchley Road on the 1st, 2nd and 3rd floors and 1 self contained flat in 467a Finchley Road on the rear 1st, 2nd and 3rd floors.

Procedural Matters

1. The Council accepts that, on the balance of probability, the lawful use of the third floor flat at 465 Finchley Road is a self contained flat. I was unable to inspect the premises internally as both had been bricked and boarded up to prevent any access. I have based my decision on the evidence available at the inquiry. All evidence was taken on oath.

Decision

2. I allow the appeal in so far as it relates to the use of the 3rd floor of 465 Finchley Road as a self contained flat, and I attach to this decision a certificate of lawful use describing the extent of the existing use which I consider to be lawful.
3. I dismiss the appeal insofar as it relates to 2 self contained flats in 465 Finchley Road on the 1st and 2nd floors and 1 self contained flat in 467a Finchley Road on the rear 1st, 2nd and 3rd floors.

Main issues

4. The main issues are whether, on the balance of probability, the use referred to in the application has occurred for a continuous period of 4 years or more.

Reasons

5. The onus of proof is on the appellant. Circular 10/97 clarifies that, for the purposes of the 1990 Act, where section 336(1) defines "building" as including any part of a building, the view is taken that a flat can be used as a single dwellinghouse. The criteria for determining use as a single dwellinghouse include both the physical condition of the premises and the manner of the use. Where a single, self-contained set of premises comprises a unit of occupation, which can be regarded as a separate "planning unit" from any

other part of a building containing them; are designed or adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse; and are used as a dwelling, whether permanently or temporarily, by a single person or more than one person living together as, or like, a single family, those premises can properly be regarded as being in use as a single dwellinghouse for the purposes of the Act. This interpretation would exclude such uses as bed-sitting room accommodation, where the occupants share some communal facilities within a building, such as a bathroom or lavatory, and the "planning unit" is likely to be the whole building, in use for the purposes of multiple residential occupation, rather than each individual unit of accommodation.

6. The premises were purchased by the appellant's father in 1981 and were transferred to the appellant and other co-owners as trustees of the family trust. Like the main parties, I am satisfied, on the balance of probability, that both 265 and 267 were occupied for residential purposes for a continuous period in excess of 4 years prior to becoming vacant. The Council take the view that, with the exception of the third floor flat in 465, the appeal premises have been occupied as Houses in Multiple Occupation (HMOs) rather than self contained units of accommodation.
7. Turning first to the use of 467, from the evidence available to me, the first floor, including the mezzanine floor level, was used for a beauty salon, hairdressers and for residential purposes. It seems to me that there was no clear distinction between these uses. All were accessed from the same entrance and shared some washing facilities on the first floor. As such, I find that, on the balance of probability, the premises, or at least the upper three floors, were in a mixed use. Irrespective of whether the residential element was capable of being used as a HMO or the accommodation contained all the facilities required for day-to-day domestic existence, it was not therefore a self contained flat forming a separate planning unit within the overall building.
8. Turning to the residential use of 465; I agree that the third floor accommodation was occupied as self contained accommodation having all the facilities required for day to day private domestic existence contained in a single unit of accommodation that could be regarded as a separate planning unit. The accommodation on both the first and second floors contained a kitchenette, shower and living / sleeping area. However the toilet was situated on the opposite side of the communal staircase. This, the Council argues, prevents the accommodation being regarded as self-contained.
9. I was told that the occupier of each floor held a key to the toilet on that floor. The toilet was not therefore shared with other occupants. However, the toilet was physically separate from the rest of the living accommodation. The occupier(s) would have to leave the main residential accommodation and pass through the communal stair / hall area to reach the toilet. In my opinion, as a matter of fact and degree, the residential accommodation on the 1st and 2nd floors, were not occupied as self-contained units, which could be regarded as separate "planning units" from any other part of the building, due to this physical separation of some of the normal facilities associated with the use of a dwellinghouse.
10. Given my findings above it is only the third floor of 465 that has, on the balance of probability, been used as self contained accommodation. It has now been vacant for sometime. Once lawful, a use which was merely dormant or inactive could still be "existing", so long as it had already become lawful and had not been extinguished due to evidence of abandonment; by the formation of a new planning unit; or by being superseded by a further

change of use [Panton & Farmer v SSETR & Vale of White Horse DC [1999] JPL 461]. It has been vacant since December 2005. At the inquiry, I asked the parties to address this matter in light of the respective periods of non-use and the physical condition of the accommodation. I will only address this in so far as it relates to the third floor flat.

11. The use of the 3rd floor as a self contained flat has not been superseded by a further change and a new planning unit had not been formed. It had been vacant for a period of 1 year and 8 months or thereabouts, prior to the date of the application. The appellant said the accommodation was 'uninhabitable'. It was stripped and gutted. All plaster was removed to expose brick and stud walls were stripped back to timber frames. Most fixtures and fittings were removed. Windows and doors have since been bricked and boarded up to prevent squatters. There is no doubt in my mind, from the oral evidence and photos provided to the inquiry, that at the time of the application, the physical condition of the properties was such that they were incapable of occupation for residential purposes.
12. The intentions of the appellant as well as the period of non use and the physical condition of the premises are relevant in deciding whether a use has subsequently been abandoned. From what I heard, it was the appellant's intention to establish, through professional advice, the best scheme to make the property profitable, including commercial uses but not ruling out the possibility of continued use for residential purposes of the upper floors. The internal works that have been carried out are extensive but I heard from the appellant that when the tenants left, the accommodation was already in a poor state and in need of modernisation to make it fit for occupation once again. I do not therefore consider that the appellant's actions amount to an intention to abandon the residential use. On balance, the period of non use and the physical condition of the unit, at the time of the application, together with the intentions of the appellant, would not result in the abandonment of the lawful use of the 3rd floor of 465 as a self contained flat.
13. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development was well founded, except insofar as it relates to a self contained flat on the 3rd floor of 465 Finchley Road and that the appeal should succeed in this regard. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Claire Sherratt

INSPECTOR

DOCUMENTS

- 1 Appeal notification letter and list of persons notified.
- 2 Copies of plans that accompanied various planning applications.
- 3 Sequence of e-mails highlighting areas of common ground between the parties.
- 4 Closing submissions for the local planning authority.

PLANS

- A Application Plan



Lawful Development Certificate

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 22 August 2007 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The third floor has been occupied as a self-contained flat for a continuous period of 4 years or more.

Signed

Claire Sherratt

Inspector

Date: 06.07.09

Reference: APP/X5210/X/08/2078483

First Schedule

Self-contained flat on the 3rd floor of 465 Finchley Road

Second Schedule

Land at (3rd Floor) 465 Finchley Road, London, NW3 6HS

CERTIFICATE OF LAWFULNESS FOR PLANNING PURPOSES

NOTES

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 06.07.09

by **Claire Sherratt** DipURP MRTPI

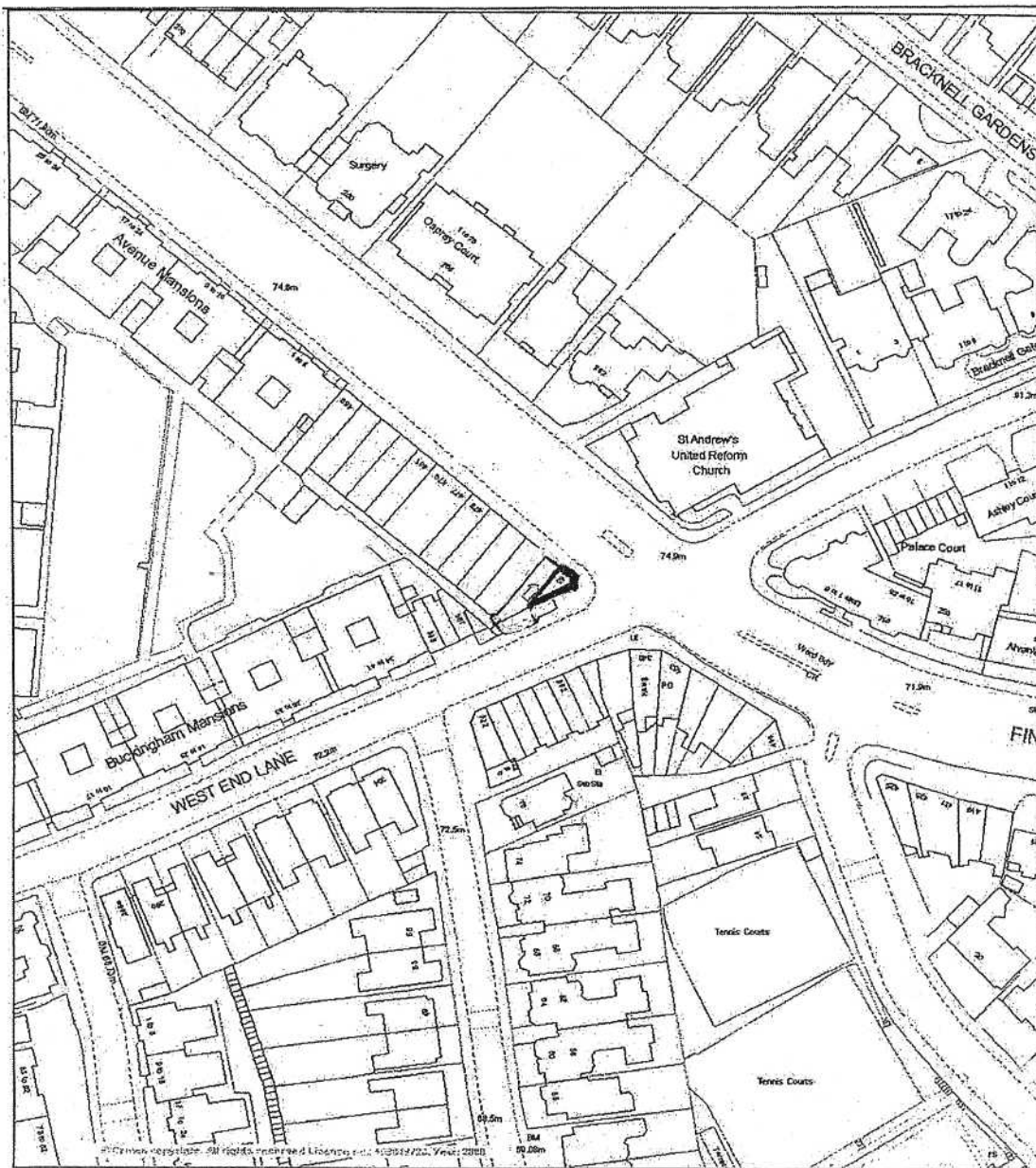
Land at: 3rd Floor of 465 Finchley Road, London, MW3 6HS

**Reference:
APP/X5210/X/08/2078483**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Not to Scale



IMPORTANT NOTES – SEE OVER