

Delegated Report Members Briefing		Analysis sheet		Expiry Date:		23/09/2010	
		N/A		Consultation Expiry Date:		03/09/2010	
Officer				Application Number			
John Sheehy				2010/4033/P			
Application Address				Drawing Numbers			
26 England's Lane & 2 Primrose Gardens London NW3 4TG				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal							
Change of use of part of the basement and part of the ground floor from retail (Class A1) to create a studio flat (Class C3), including alterations to the openings on the Primrose Gardens frontage.							
Recommendation:		Grant permission subject to conditions and a S106 Agreement					
Application Type:		Full Planning Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	22	No. of responses No. electronic	0 0	No. of objections	0
Summary of consultation responses:		Site notice displayed from 4 th to 25 th of August. No comments, objections or expressions of support received from neighbouring occupiers.					
CAAC/Local groups comments:		Belsize CAAC: "Object to the alterations to ground floor windows and doors. The proposal to recess the windows is not a traditional feature and would be out of keeping with the date, character and style of the building and the character and appearance of the Conservation Area. The ground floor should have a traditional solid and void treatment and the opportunity taken to reinstate a ground floor window which is in keeping with the date, character and style of the building."					
Site Description							
A 4-storey brick-finished corner property with roof and basement accommodation fronting onto England's Lane and Primrose Gardens. The site is located at the end of a terrace on the northern side of England's Lane where it turns the corner into Primrose Gardens. The building is identified as making a positive contribution to the character and appearance of the Belsize Conservation Area in which it is located.							
The application relates to the ground floor commercial unit which has a corner shopfront and further openings to the rear of the unit along Primrose Gardens. The authorised use of the entire unit, which has basement storage, is considered to be Class A1 (Retail). The upper floors are in residential use.							
The property is in England's Lane Neighbourhood Centre. It is subject to an Article 4 directive adopted in September 2010 which removes permitted development rights of owners for certain categories of development.							
Relevant History							
December 2007 Planning permission granted subject to a S106 Agreement for change of use of the existing maisonette to create a 3-bedroom maisonette, a 1-bedroom flat and a studio flat, plus replacement of an existing door at ground floor level on the Primrose Gardens elevation, ref. 2006/3625/P. <i>The Legal Agreement secured two of the units as car-free.</i>							
June 2010 Application for change of use of basement and part ground floor from retail (Class A1) to create a 1-bedroom flat (Class C3), including alterations to the shopfront and the creation of a new window <u>withdrawn by the applicant</u> , ref. 2010/2279/P.							

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development
CS14 Promoting high Quality Places and Conserving Our Heritage
DP2 Making full use of Camden's capacity for housing
DP6 Lifetimes Homes and Wheelchair Housing
DP17 Walking, Cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP21 Development Connecting to the Highway Network
DP24 Securing High Quality Design
DP25 Conserving Camden's Heritage
DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2006

Belsize Conservation Area Statement

Assessment

Proposal: change of use of part of the basement and part of the ground floor from retail (Class A1) to create a studio flat (Class C3), including alterations to the openings on the Primrose Gardens frontage.

Background

The commercial unit which the application relates to has a corner shopfront with display windows onto both England's Lane and Primrose Gardens. The application relates to the rear portion of the unit along the Primrose Gardens frontage. The rear of the unit and the entire basement is used for storage ancillary to the retail unit.

The Primrose Gardens frontage of the unit includes 4 openings onto the street: one door which serves the flats above; one large window opening which is currently blocked up; and two doors serving the rear of the existing retail unit.

Proposed Scheme

The layout of the proposed residential unit comprises habitable rooms at ground level (living room/ kitchen and bedroom); the basement contains storage, utility and bathroom space.

The proposal would involve the creation of 2 recessed windows at ground floor level by opening up the blocked-up window and replacing the rearmost door opening with a window. The new residential unit would be accessed via a solid timber door to the street with a fanlight above. The new windows and doors would be set within existing openings.

The windows to the proposed residential unit would be set in by 0.65m from the street wall of the property. The recess to the windows is in order to provide a buffer of "defensible space" between the public footway and the ground floor habitable rooms of the proposed residential unit.

Revisions compared to withdrawn scheme

The applicant has changed the scheme in the following ways since the withdrawal of the original application:

- Rerouting of communal stairs serving the upper floors of the building in order to improve the flexibility and usability of the ground floor space;
- Changes to the layout of the proposed residential unit to ensure that no habitable rooms are proposed at basement level; and
- In the revised scheme the windows to the street are set back from the street front – in the originally proposal these were hard up against the pavement edge.

Assessment

Design/ impact on Conservation Area

The Council's design policies are aimed at achieving a high standard of design in all developments and

preserving the architectural quality of buildings. The Council's policies for developments in a Conservation Area are aimed at preserving or enhancing the special character and appearance of the area.

The application property is a substantial, robust brick building; 4-storeys in height with roof accommodation. The windows to be inset are at a low level on the side elevation of the property, fronting onto a narrow section of Primrose Gardens. The windows would be set within existing openings at this level. The largest of the openings is currently blocked up and provides an unwelcoming aspect in views from the street. As existing, the rearmost door of the retail unit, adjacent to no. 4 Elizabeth Mews is solid and is not considered to provide an attractive or welcoming appearance at ground floor level.

In the context of the substantial overall building, the proposed works are considered to represent minor, lightweight works. The alterations would relate to and support the domestic nature of the application building and the surrounding area, providing a welcoming and attractive pattern of ground floor openings. The new windows would be recessed to a modest extent and the railings would retain the building line at the street front. These railings would enclose planting boxes which would lend a sense of permanence to the openings as well as providing attractive greenery.

Buildings of this age and architectural style generally have inset windows and doors within deep reveals due to the thickness of walls and the traditional practice of build-up/ framing around the opening. This contributes to the quality of the architecture, adding depth to the elevations and contrast between solid and void. The proposed recessed windows would be inset to a degree greater than is usually the case. However, in the context of the building, the inset openings are considered to be legible as openings to ground floor residential rooms which would normally be expected to have buffer space to the public realm.

The proposed timber-framed windows would have a traditional design and appearance: they are considered acceptable in terms of materials and detailed design. A condition is attached to the permission requiring all new works to be in materials to match the existing building.

The proposed changes are considered to enhance the character and appearance of the building and the wider Conservation Area.

Internal Amenity

Camden Planning Guidance states that new self-contained dwellings should satisfy the following minimum areas for overall floorspace (excluding communal lobbies and staircases):

Number of persons	1	2	3	4	5	6
Minimum floorspace (m ²)	32	48	61	75	84	93

Camden Planning Guidance also requires first and double bedrooms to measure a minimum of 11.0m² and single bedrooms to measure a minimum of 6.5m².

The entire flat would measure 48.1m² and the bedroom would measure circa 11m². The flat would therefore comply with Camden's Residential Development standards as a single-person or a 2-person unit.

The proposed recessed windows would provide an acceptable buffer of "defensible space" between the public footway and the ground floor rooms of the unit and would ensure perceived safety and privacy of the residents of the proposed unit.

The proposed residential unit would be single-aspect with openings facing onto Primrose Gardens. Windows to habitable rooms should be of adequate size and of appropriate shape and position to allow for reasonable daylight penetration into habitable rooms. There should be sufficient natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain. Camden Planning Guidance states "*Each dwelling within a development should have at least one habitable room with a window facing within 30 degrees of south*" and "*All habitable rooms must have an external window of at least 1/10 of the floor area of the room*". The windows to the building benefit from a southwestern orientation and, despite being at ground floor level are considered to offer a good level of sunlight. The proposed windows would be of an acceptable size and in excess of 1/10 of the floor area of the rooms they serve.

There is sufficient space in the basement for refuse storage.

Land use

At ground floor level in Neighbourhood Centres the Council will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre. Although the proposed change of use of part of the ground floor and basement would lead to a reduction in retail floorspace, it would not prejudice the continued operation of the A1 retail unit and the A1 unit would continue to be of a size to be a viable retail unit with generous storage at basement level. The proposed change of use of part of the ground floor and basement from A1 retail to residential is therefore considered acceptable in land use terms. The provision of additional housing of an acceptable standard is welcomed in the context of Policy DP2.

Transport

The removal of on-street parking rights is considered to be necessary in relation to the is proposed unit for the following reasons:

- The site has a Public Transport Accessibility Level of (PTAL) of 3 (moderate) and is within a Controlled Parking Zone.
- Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%. Belsize (CA-B) CPZ operates Mon-Fri 09:00-18:30, Sat 09:30-13:30 and 117 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed.

The mechanism by which the car-free housing requirement is secured is a S.106 Legal Agreement.

Two cycle parking spaces are proposed at basement level. This is acceptable in terms of meeting the Council's cycle parking standards. It is regrettable that these spaces are not provided at ground floor level; however the constraints of the site are such that this is not considered achievable without serious compromises to the ground floor layout which may make the entire scheme unworkable. The cycle parking spaces would be covered and secure and are considered to be, on balance, acceptable. Their provision is safeguarded by condition.

Lifetime Homes

All new homes should comply with Lifetime Homes criteria as far as possible. The applicants have submitted a Lifetime Homes assessment which addresses some of the 16 points of the criteria. The constraints of the scheme are such that not all of the criteria can be met, but the measures proposed are considered acceptable in this instance.

Recommendation: grant conditional permission subject to a S.106 Legal Agreement.

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