

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	07/02/2011
		N/A / attached		Consultation Expiry Date:	24/02/2011
Officer			Application Number(s)		
Elizabeth Beaumont			2010/6649/P		
Application Address			Drawing Numbers		
Land to the rear of 139-141 Malden Road London, NW5 4HS.			Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of three-storey dwelling house (Class C3) following demolition of two garages.					
Recommendation(s):		Grant planning permission subject to S106 Legal Agreement			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					

Consultations

Adjoining Occupiers:	No. notified 13		No. of responses 05		No. of objections 00	
Summary of consultation responses:	<p>5 letters of objections received from the following addresses; 2 Quadrant Grove, 3 Quadrant Grove, 7 Malden Place (2 letters), 125B Malden Road, 11 Malden Place. Issues include;</p> <p><u>Amenity issues</u> (Please refer to 4-4.5)</p> <ul style="list-style-type: none"> • Privacy/overlooking of nearby properties and gardens • Loss of sunlight/daylight to nearby properties. • Will block the remaining open section of the quadrangle between Malden Place and Malden Road creating a sense of enclosure. • Loss of views from rear elevations of Malden Place. • Noise and disruption during construction work. (see below) <p><u>Transport/Construction</u></p> <ul style="list-style-type: none"> • There is likely to be an ongoing problem with builders' trucks and other vehicles blocking in particular the junction with Quadrant Grove. Increase in traffic would be unbearable (Refer to 6.1) • Limited parking at the moment the proposal would make this worse. (Refer to 5.1) <p><u>Bulk/scale</u></p> <ul style="list-style-type: none"> • Area of Malden Road is already very densely built up. <p><u>Consultation</u> (see below)</p> <ul style="list-style-type: none"> • No proposed planning notices displayed or notification received. • The proposal site should be described as on Malden Place not Malden Road. • Second floor plan not online <p><u>Residential standards</u> (Please refer to 4.1)</p> <ul style="list-style-type: none"> • The living room is like a basement with no side windows. • Very small house with no outdoor space other than a dinghy (sic) area (2.5 metres wide) below ground • The plan shows that the occupant is a wheelchair user which must be intended to mislead, as this tiny house has so many stairs. <p>Officer's comments - 13 consultation letters were sent out on the 6th January 2011 to surrounding residents. As the site is not located within a conservation area, a site notice was not required. In response to the concerns with levels of noise and disruption from construction, an informative would be attached to any decision notice to remind the applicants that the noise from demolition and construction works is subject to control under the Control of Pollution Act 1974 which controls the specific times for construction.</p>					
CAAC/Local groups comments:	N/A					

Site Description

The site is located on the south east side of Malden Crescent close to the junction with Malden Road. The site is positioned to the rear of nos. 139-141 Malden Road with access from Malden Place. The site comprises a part-single part-two storey garage building and small garden. The site is not located within a conservation area and there are no listed buildings in close proximity to the site.

Relevant History

20/01/1988 – **p.p. granted (8701354)** for alterations in connection with the use of out buildings as a delicatessen (Class A1)

Relevant policies

LDF Core Strategy and Development Policies

Core strategies

- 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)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS15 (Protecting and improving our parks and open spaces)
- CS16 (Improving Camden's health and well-being)

Development policies

- DP2 (Making full use of Camden's capacity for housing)
- DP5 (Housing size mix)
- DP6 (Lifetime homes and wheelchair homes)
- DP17 (Walking, cycling and public transport)
- DP19 (Managing the impact of parking)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)
- DP24 (Securing high quality design)
- DP32 (Air quality)

Assessment

1. Proposal

1.1 Permission is sought for the following;

- The erection of a three storey dwelling house comprising 3 bedrooms and small patio/garden following the demolition of the existing part-single part-two storey garage buildings and a small outhouse to the rear of nos. 139-141.
- A bin store, WC, living room/kitchen are proposed at ground floor level, 1 x double en-suite bedroom at first floor level, and 2 x single bedrooms at second floor level.
- The building would be of brick construction with a timber panelled entrance door, timber windows, rooflights and a green roof.

2. Revisions

- 2.1 The proposal was revised during the course of the application to include a green roof on the flat roof of the building.
- 2.2 There is a small gap between the boundary wall and the side elevation of no. 5 extending along approximately half of the flank wall which was not originally shown on the existing or proposed plan. The original proposal therefore was affixed to the flank wall of no. 5. The applicant disputes this boundary line and argues that the occupants of no. 5 have encroached into the rear garden. The issue of the boundary lines and the position of the boundary wall are civil matters and not a planning consideration. However the site location plan, existing and proposed plans have been accordingly revised in order to incorporate the staggered boundary line which currently exists between the two properties. These amendments reduce the scale of the proposal and therefore it is considered that re-consultation is not required.

3. Principle of development

- 3.1 In terms of the provision of new housing, the Council's policy C2 seeks to maximise the supply of additional homes within the borough. The redevelopment of this site for residential use is acceptable in principle, provided that the accommodation reaches acceptable standards accords with the aims of this policy.

4. Residential amenity

- 4.1 The proposed new dwelling is a three bedroom unit comprising 1 x double and 2 x single bedrooms. The overall floorspace of the dwelling and the floorspace of the bedrooms would comply with Camden Planning Guidance 2006. The unit is a double aspect on the first and second floors. There are no windows at ground floor level on the front

elevation; however the living room/kitchen would have french doors and a window into the small garden space on the side elevation, plus additional light from a large skylight. Although the orientation facing a high building opposite means that daylight would be limited, it is considered on balance that this would provide a reasonable amount of daylight for potential occupiers especially as sufficient light is received by upper floor rooms. The outlook from the ground floor would be limited to the small garden area and no sunlight would be available to the north facing ground floor living room; however this is considered to be adequate given the standard of the other upper floor habitable rooms. The proposed layout and access to sunlight/daylight and ventilation is considered acceptable.

5. Lifetime Homes

- 6.1 The proposed scheme complies with the Lifetime Homes assessment and the requirements of Policy DP6. Although the front entrance lobby and toilet is level with the street, the remaining lower ground floor living space is accessed only via an internal staircase; nevertheless it is possible to install a stairlift here for wheelchair access.

6. Design

- 3.1 The development would be formed with the ground floor level set down half a storey below street level but above the existing garden level and with the two upper floors expressed half a storey above street level. The front building line of the ground and first floor levels of the new building would be level with flush with the pavement, similar to the existing buildings, in line with the side elevation of no. 141 Malden Road. The new building would have the ground and first floors set forward in line with the existing buildings here and be 2.6m higher in total than the existing buildings here but only 1m higher than the existing 2 storey element; the 2nd floor would be set back to match the building line of the adjoining block at 5 Malden Place. The new three storey building would be lower than both no. 141 and the adjacent terrace on Malden Road. It is considered that, with the second storey setback and subordinate to the other floors, the overall scale and bulk of the building would be appropriate in its street context. It would not result in the loss of an important visual gap in the streetscene here.

- 3.2 The design of the proposal is a modest brick building using a small palette of good quality materials. The front brick elevation is broken up with a rendered vertical panel and a timber panel projecting from ground to first floor level with a panelled timber door and glazed panels. A stone horizontal panel would frame the top of the first storey. The second storey which is set back from the front building line would be constructed from lead/zinc and would be read as a roof style extension. The proposed windows would be timber framed with timber sash style windows on the rear elevation. The proposed rooflights to allow additional light into the property are considered acceptable. A sedum roof is proposed on the flat roof of the second floor level. The door on the side elevation into the garden would be of timber construction with a small timber window. Specific details of materials will be required by condition. Overall, the scheme is considered to be acceptable and would not detract from the character of the streetscene or wider area.

- 3.3 The proposal would involve the loss of garden area. Policy DP24 specifies that '*development within rear gardens can often have a significant impact upon the amenity and character of an area*'. The existing garden is derelict with no access from the residential units at nos. 139-141. The space can only be reached through the basement of the takeaway business. This space is not considered to be visually important to the wider townscape. An area of garden space would be created following the demolition of the lean-to extension to the rear of no. 139. It is considered that the new garden will be conditioned by plant growth and provide local cooling in very warm weather. The kitchen window to the rear of no. 139 will be separated from the new garden by a new welded mesh trellis to train climbing plants up. It is considered that as the existing garden space does not make a significant contribution and its loss is offset by the provision of a new garden space that the proposal is acceptable. The proposed inclusion of a sedum roof is a welcomed addition. Specific details of the sedum roof will be required by condition.

4. Amenity

- 4.1 The proposed building would be positioned between the rear elevation of nos. 139-141 Malden Road and the side elevation of the end-of-terrace building (no. 5 Malden Place). There are no windows on the side elevation of no. 5. The ground floor window to the rear of no. 139 Malden Road serves a non-habitable kitchen for a take-away unit. The first and second floors of nos. 141 and 139 Malden are in residential use with maisonette units in each building, the rear windows at first floor level of both units serve kitchen and bathroom windows with bedrooms at second floor level. The bedrooms would lie above the roofline of the proposed building. It is considered that the new building would not have a detrimental impact of the levels of sunlight/daylight nor outlook to these properties in comparison to the existing situation.

- 4.2 At ground floor level the new building would project along the full depth of the plot and would be partially attached to the side elevation of no. 5 Malden Place. The rear building line would extend beyond the rear building line of no. 5 but is stepped away from the side elevation given the staggered boundary line between the two properties. The floor level of the ground floor would be lower than the neighbouring property, due to the drop in levels from street level across the site. This would result in the top of the ground floor level of the new building projecting no higher than the top of the existing boundary wall with no. 5. It is therefore considered that this element of the proposal would not have a detrimental impact on the amenity of the neighbouring occupiers. The first and second floor levels of the new building would also project beyond the rear building line of no. 5 by 1.3m. However given the staggered building line, the rear element of the new building would be positioned 0.7m away from the side elevation of no. 5. It is therefore

considered that the proposal would not have a detrimental impact on the amenity of the neighbouring occupiers in terms of sunlight/daylight, sense of enclosure or privacy levels in comparison to the existing situation.

- 4.3 The proposal would introduce additional levels of overlooking at first and second floor levels on the front and rear elevations. However it is considered that, given the proximity of other buildings and the existing mutual levels of overlooking from the properties/gardens of Malden Road and Malden Place, the proposal would not have a detrimental impact on the amenity of neighbouring occupiers in comparison to the existing situation.
- 4.4 Concerns have been raised regarding the potential use of the flat roofs on the building for additional amenity space. During the course of the application the scheme was amended to include a sedum roof. However in order to prevent these spaces being used as additional amenity space, a condition is recommended restricting access for maintenance purposes only.

5. Transport

- 5.1 The Council's cycle parking standards require the provision of at least one cycle parking space per unit. There is a small outdoor space which would be sufficient to store a cycle, the proposal is considered acceptable in this respect.
- 5.2 No car parking is proposed for the new residential unit. The site is very accessible in close proximity to a number of modes of public transport. The site has a Public Transport Accessibility Level (PTAL) of 3 (moderate). Therefore, the new unit is recommended to be made car-free through a Section 106 planning obligation.

6. Construction

- 6.1 It is considered that due the scale and kind of development and the likely method of construction a Construction Management Plan (CMP) is not considered necessary in order to mitigate any adverse impacts. Any occupation of the highway, such as for hoarding, skips or storage of materials, will require a licence from Highways Management and this, along with the existing on-street waiting and loading controls, should be sufficient to ensure the work is carried out in such a way as to not adversely affecting the safety or operation of the public highway.

7. Highway Issues

- 7.1 In order to tie the development into the surrounding urban environment, a S106 for highways works is recommended to repave the footway. This work and any other work that needs to be undertaken within the highway reservation will need to be secured through a Section 106 Agreement with the Council. The Council will undertake all works within the highway reservation, at the cost to the developer.

Recommendation – Grant planning permission subject to a S106 Legal Agreement on car-free housing and contribution to fund highway works.

DISCLAIMER

Decision route to be decided by nominated members on Monday 7th February 2011. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>