

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		30/08/2010	
		N/A / attached		Consultation Expiry Date:		05/08/2010	
Officer				Application Number(s)			
Rob Willis				2010/3520/P			
Application Address				Drawing Numbers			
Studios 1 and 2 151A King Henry's Road London NW3 3RD				See Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use from two residential dwellings to a single dwelling (use Class C3), including the insertion of a new window to the rear elevation.							
Recommendation(s):		Grant planning permission					
Application Type:		Full Planning Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	11	No. of responses No. Electronic	05 05	No. of objections	05
Summary of consultation responses:		151a, 151A, 151B and 153 King Henry's Road Residents from the above properties objected to the proposals. The main concerns raised were: <ul style="list-style-type: none"> The two units in question were never intended for residential use. Properties have been enlarged without consent. Unobscured views in and out of the property: the existing bedrooms at ground floor level are not conducive to the privacy of both the occupants and neighbours. The two studios also encroach on privacy of rear gardens. The studios are an eye sore and inappropriate for the usage sought. A change of usage could lead to increased usage of the entrance to the premises (which is located adjacent to 151a King Henry's Road), which could lead to noise and nuisance issues. Previous disruptive works carried out by the applicant, including cutting down a tree without consent. Creation of a family home would increase the need for cars, leading to increase in pressure on parking on the street. Changes made to the properties since their original use as studios has caused harm to the appearance of the buildings. 					
CAAC comments:		Elsworthy CAAC - Response received - no comments made.					
Site Description							
The application comprises former two single storey studios that have undergone alterations and are now used as houses, with bedrooms provided in mezzanine levels. The premises are located via an alleyway off King Henry's Road, behind no 151a King Henry's Road.							
The site is located within the Elsworthy conservation area.							

Relevant History

PE9700565: Planning permission *refused* on 05/09/1997 for the demolition of existing single storey studio building and a shed and redevelopment of the site to provide a 5 storey building comprising 4 self-contained flats and two studio apartments, renovation of two existing studios to the rear.

The premises have in the past been subject to investigation by Camden's enforcement team in relation to a change of use from commercial studios to residential use without the necessary planning consent. However, this enforcement investigation was closed on the basis that the Council accepted that the current use as two self-contained houses is lawful. The applicant has also provided signed letters from the accountant for the freehold owner of Studios 1 and 2, and from the owner of King's View, 151a King Henry's, confirming that both properties have been in use as private residential units for more than four years.

Relevant policies

Replacement Unitary Development Plan 2006

SD6 Amenity for occupiers
H3 Protecting existing housing
B1 General design principles
B3 Alterations and extensions
B7 Conservation Areas

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage. The following policies in the draft LDF Core Strategy and Development Policies documents have been taken into consideration:

CS5 – Managing the impact of growth and development
CS6 – Providing quality homes
CS14 – Promoting high quality places and conserving our heritage

DP24 – Securing high quality design
DP25 – Conserving Camden's heritage
DP26 – Managing the impact of development on occupiers and neighbours

Assessment

The application seeks to merge two single dwellinghouses into a single dwellinghouse, together with the installation of a small window to the rear of the premises. The main considerations are therefore the acceptability of a change of use to a single residential dwelling, and design and amenity issues relating to the new proposed window. This assessment also considers the proposals against the Lifetime Homes standards.

Proposed change of use to a single residential unit

(a) Loss of residential unit

The planning application seeks to merge two houses into a single dwelling house. This would lead to the loss of a single residential unit, whilst retaining the same amount of overall residential floorspace. Camden UDP Policy H3 (Protecting existing housing) states that the Council will not grant planning permission for a development that would involve the net loss of two or more residential units. This planning application therefore does not conflict with Camden's planning policies as it only involves the loss of one unit.

The proposal would result in the creation of a large family dwelling. The new dwelling would have 3 bedrooms. This type of accommodation would be supported by the Council, as it would be a dwelling with three or more bedrooms that could be used as family accommodation. The overall floor area of the new house would be considerably above the minimum floor area requirement for a 3 person unit (75 sqm) and would provide a satisfactory standard of residential accommodation.

(b) Impact on amenity

A change of use to residential appears to have taken place in the past without the prior grant of planning permission and, consequently, privacy issues have arisen that are perceived to negatively impact upon the amenity of the residents of adjacent premises. However, this is not a situation that can now be controlled under planning legislation, and the current proposals are unlikely to result in any significant additional harm to amenity over and above that which results from the current use of the site. Indeed, the reduction in the number of units

may lead to a less intensive use of the buildings, which would be of benefit to the immediately adjoining occupiers.

Proposed window

The applicant seeks the installation of a small window to the rear of what is now Studio 2, close to the existing kitchen door. The siting and size of the window is considered to be appropriate to its location, and would help to ensure that the window would have a minimal visual impact. The proposed use of white painted timber is considered to be appropriate.

The proposed window would create a new view from the rear wall into a garden behind the premises, at Compton Lodge care home, off Harley Road. However, this garden is public, and in any case the view would be restricted by the angle of view and the existence of vegetation. It is therefore considered that the proposed window would have a minimal impact on amenity.

Lifetime homes

UDP Policy H7 states that all new housing should be built to Lifetime Homes standards. The applicants have provided a Lifetime Homes assessment as part of the Design and Access Statement. Given that the proposal is for the conversion of existing premises, it is considered that the development is acceptable in the context of the Lifetime Homes standard.

Permitted development rights

The two existing studios are already single family dwellinghouses, and therefore already have permitted development rights, as set out in the Town and Country Planning (General Permitted Development) Orders. Amalgamating two units into one does not justify any restriction of these rights.

Conclusion

The application site appears to have undergone a change of use in the past from commercial studios to two flats, without the necessary planning consents: this has resulted in negative impacts on amenity for neighbouring properties. However, whilst this is considered to be unfortunate, the current use of the site as two self contained flats is now considered to be lawful, and as such this planning application must be considered on its own merits.

This planning application does not conflict with Camden's planning policies in relation to the proposed loss of a residential unit, and is considered to be acceptable in relation to the Lifetime Homes standard. The proposed new window is also considered to be acceptable.

Permitted development rights for the property should be removed as a planning condition, in order to enable the Council to prevent works that could in the future cause harm to local residential amenity.

Recommend approval.

DISCLAIMER

Decision route to be decided by nominated members on Tuesday 31st August 2010. For further information see

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