

Delegated Report		Analysis sheet		Expiry Date:		12/05/2010	
		N/A / attached		Consultation Expiry Date:		30/04/2010	
Officer				Application Number(s)			
Rob Tulloch				2010/1587/P 2010/1589/L			
Application Address				Drawing Numbers			
1st & 2nd Floor Flats 3 Arlington Road NW1 7ER				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
(i) Change of use from four studio flats to two self-contained flats on 1st and 2nd floors (Class C3). (ii) Internal and external alterations in connection with change of use from studio flats to two self-contained flats on first and second floors (Class C3).							
Recommendation(s):		Had an appeal not been lodged the Council would have been minded to refuse Planning Permission and Listed Building Consent					
Application Type:		(i) Full Planning Permission (ii) Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	46	No. of responses	01	No. of objections	01
				No. electronic	00		
Summary of consultation responses:		Site notice displayed from 09/04/2010 Objection – Studios should be retained as they provide low cost accommodation. Response – The existing accommodation is sub-standard so conversion to bring it up to an acceptable standard complies with Policy H3.					
CAAC/Local groups* comments: <small>*Please Specify</small>		Camden Town CAAC Comment – Consent should not be given for double glazing, the original windows should be repaired.					

Site Description

The site is an end of terrace property which forms part of a Grade II listed terrace of 15 houses dating from the 1840's, located on the west side of Arlington Road close to the junction with Mornington Crescent. It comprises ground plus two upper floors with a mansard roof set behind an elongated parapet. It is constructed in stock brick with a rendered ground floor and architrave surrounds, a slate roof with party wall stacks. It lies within the Camden Town Conservation Area. Internally it has been subdivided and contains few features of historical or architectural merit.

Relevant History

2009/ 5280/P & 2009/5289/L Change of use from four bedsits [non-self contained] to two self-contained flats on 1st and 2nd floors of dwellinghouse (Class C3). Refused 27/01/2010

9101236 Erection of a mansard roof extension in association with the formation of one additional bedsit plus the erection of a rear extension at first floor level to provide a communal kitchen. Granted 14/01/92

9100876 Change of use and works of conversion to form two self-contained flats at 1st and 2nd floor levels and one studio flat at 3rd floor level including the erection of a mansard roof and rear extension at 1st & 2nd floor levels. Refused 17/09/91

8600664 The self-containment of the existing ground floor flat including the retention of a single-storey rear extension for residential use. Granted 31/07/86

31904 The erection of a rear extension at first floor level for use as a bathroom. Granted 17/07/81

15964 Erection of a bathroom extension at the rear of the first floor. Granted 22/03/73

ENF1842 Enforcement Notice: Unauthorised construction of a rear doorway in place of a sash window at rear first floor level giving access to flat roof and erection of fencing and posts to create a roof terrace. Issued 15/09/97. Notice quashed on appeal and planning permission granted with conditions 31/07/98.

EN990309 Breach of Condition Notice: Non-compliance with conditions 01 and 02 of planning permission dated 31/07/98 granted on appeal. Complied 18/01/00

Relevant policies

Camden Replacement Unitary Development Plan (2006)

- H1 – New housing
- H3 – Protecting existing housing
- H7 – Lifetimes homes and wheelchair housing
- B1 – General design principles
- B3 – Alterations and extensions
- B6 - Listed building
- B7 – Conservation areas

Camden Planning Guidance 2006

Conservation areas; Extensions and alterations; Lifetime homes; Listed buildings; Residential development standards

Camden Town Conservation Area Appraisal and Management Strategy 2007

PPS5 – Planning for the Historic Environment

London Terrace Houses 1660-1860 – A Guide to Alterations and extensions

LDF Core Strategy and Development Policies

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

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.

Assessment

History

These applications are a re-submission following a previous refusal. The applications were refused for the following reasons:

Planning application 2009/5280/P

"The applicant's failure to arrange full access to the site and to respond to the Planning Contravention Notice has prevented the Council from establishing the lawful use of the first and second floors of 3 Arlington Road, NW1 7ER, thereby denying the Council the opportunity to fully and properly assess the submitted application."

Listed Building application 2009/5289/L

"The applicant's failure to arrange full access to the site has prevented the Council from fully assessing the impact the proposal would have on the special architectural or historic interest and character of the building."

The re-submitted applications are identical to the previous applications, but the applicant has arranged access to the four studio flats. The applicant has also responded to the Planning Contravention Notice and the Council's Planning Enforcement team are satisfied that the use of the first and second floors as four self contained studios are lawful as the conversion took place more than 10 years ago and before the property was listed.

Proposal

The property is laid out as a self-contained flat on the ground floor, two self-contained studio flats on the first floor (Flats 1 & 2), two self-contained studio flats on the second floor (flats 3 & 4), and a self-contained flat on the third floor (Flat 5). The proposal is to convert the four studio flats on the 1st and 2nd floors into two self contained flats with the installation of gas boilers, internal pipework and external flues, extract fans and replacement of windows.

1st floor:

- Blocking up entrance to Flat 1 (front room)
- Creation of new internal entrance between front and rear rooms
- Removal of shower/wc and partition wall in rear 1st floor extension (Flat 2) to create larger kitchen
- Installation of gas boiler in kitchen with external flue to rear elevation
- Installation of extract fans to kitchen and bathroom

- Removal of kitchen of Flat 1 and relocation of bathroom/wc

2nd floor:

- Blocking up entrance to Flat 3
- Creation of new internal entrance between front and rear rooms
- Replacement of kitchens and bathrooms/wc's of Flats 3 & 4 with single kitchen and bathroom/wc
- Installation of gas boiler in kitchen with pipework leading to flue at rear elevation
- Installation of extract fans to kitchen and bathroom

Assessment

The main issues for consideration are the loss of two residential units, the standard of the proposed accommodation and the effect of the proposed changes on the listed building and conservation area.

Loss of residential units

The proposal would result in the loss of two residential units. Policy H3 (Protection existing housing) of the Camden Replacement Unitary Development Plan 2006 (RUDP) states that the net loss of two or more residential units will be unacceptable unless the proposal (a) creates large affordable housing units, (b) creates large units in parts of the borough where there is a low proportion of large dwellings, or (c) the loss is necessary to bring substandard accommodation up to an acceptable standard.

The current accommodation is considered to be substandard. The Council issued an Improvement Notice under Section 11 of the Housing Act 2004 on 24/04/09 relating to the 1st and 2nd floors. The notice required various works of improvement including the conversion one of the four units into a separate shared kitchen or bathroom. This notice was appealed to the Residential Property Tribunal Service who dismissed the appeal, but varied the notice, removing the requirement to provide a separate shared kitchen or bathroom as this was considered a “backward step”. The preferred option of the Tribunal was the conversion of the four studios into two flats, however this does not fetter the Planning Authority’s decision and the planning application can only be assessed on planning grounds.

The existing studios are relatively small, ranging from approximately 16m to 22m, with raised sleeping platforms on the 1st floor. As such they would not comply with the residential development standards for self-contained accommodation laid out in the Camden Planning Guidance 2006 (CPG) in terms of size and layout. Therefore the loss of two self-contained units would be justified in terms of policy H3 because they are substandard in Environmental Health and Planning terms.

Standard of proposed accommodation

The proposal seeks to create two one bedroom flats. The proposed 1st floor flat would have an overall floorspace of approximately 42sqm, the proposed 2nd floor flat would have an overall floorspace of approximately 33sqm with both bedrooms measuring approximately 13sqm. The Council’s residential development standards recommend a minimum floorspace of 32m² for one person and 48m² for two people, and a minimum sized first bedroom of 11m².

Therefore the proposed flats would provide sufficiently sized bedrooms and exceed the floorspace requirement for a single person, although there is no planning mechanism to prevent more than one person occupying the proposed flats.

The listed status of the building and the fact the conversion would to occur on the 1st and 2nd floors constrains works to improve accessibility and the application of Lifetime Homes standards, however the applicant has attempted to address certain Lifetime Homes requirements in terms of doors/hallways, windows and sockets.

Impact on the listed building

Plan form

The property has been subdivided and contains few features of historical or architectural merit. The layout of four studios squeezed into two floors does not respect the original plan form of the listed

building, and the proposed layout would be a slight improvement by reducing the amount of subdivision within the principal rooms allowing a greater appreciation the original form and proportions. The door from the staircase to the front room on each floor could be retained with the door to the proposed bedroom of each flat blocked up to preserve the original layout and appearance from within the stair compartment.

Services

The proposal also includes the installation of gas boilers, external flues and extract fans. The boilers would be located in the kitchen and are not considered to harm the listed building. The flues would exit at the rear of the property and would have a limited impact on the fabric and setting of the listed building.

Drawing no. HD-314/1003 (proposed elevations) refers to mechanical extract fans in the kitchens and bathrooms to be vented into the rear garden. However no ventilation system is shown on the floor plans, nor are vents shown on any proposed elevations. The agent declined to provide further information to show the location of this plant so it is not possible to assess its impact on the listed building.

Windows

The submitted information is both contradictory and confusing. Drawing HD-314/2000 (proposed window sections) refers to the existing timber sash windows and shows new secondary glazing. Drawing no. HD-314/1003 (proposed elevations) states that the elevations will not be altered and will remain as existing, whilst at the same time stating that all existing windows will be replaced with timber sash windows to match existing to comply with building regulations. Drawing no. HD-314/1001 (existing elevations) states that all designated existing windows will be replaced with timber sash windows to match existing to comply with building regulations. Whilst the design and access statement states “The external appearance of the building will not be altered at the front elevations or the rear elevations and any alterations to window are in compliance with existing conditions.”

The agent has confirmed that the windows would be replaced with double glazed units due to their poor state of repair. Replacement windows should be an exact copy of the originals and single glazed, with secondary glazing if necessary. Double glazed windows would be harmful to the special interest of the listed building, as they must support a greater weight (due to using 2 panes of glass) the frames and glazing bars have to be much thicker to provide stability and support. This would be in stark contrast to much more slender detailing of the originals and would be apparent when viewed in conjunction with the neighbouring properties with which it is listed, and could thus be harmful to the special interest of the listed building and the character and appearance of the conservation area.

The existing windows are the original sash windows and the loss of original historic windows of interest is not acceptable without a full justification as to why they cannot be repaired. Policy B3 of the UDP (para 3.33) states that the insensitive replacement of windows and doors and the cladding and painting of masonry can spoil the appearance of buildings and can be particularly damaging if the building forms part of a uniform group. Camden Planning Guidance (para 19.31) states that the Council will resist proposals for replacement windows in listed buildings unless an exceptional case can be made for such works.

The Camden Town Conservation Area Appraisal and Management Strategy (pages 42 and 43) identifies the loss of original windows as harming the conservation area “The appearance of characterful buildings within the Conservation Area is harmed by the removal or loss of original architectural features and the use of inappropriate materials. For example, the loss of original joinery, sash windows and front doors, can have considerable negative impact on the appearance of a historic building and the area.” and “In all cases the Council will expect original architectural features and detailing to be retained, protected, refurbished in the appropriate manner, and only replaced where it can be demonstrated that they are beyond repair.”

PPS5 – Planning for the Historic Environment Policy HE9 deals with applications for consent and states that “...there should be a presumption in favour of the conservation of designated heritage

assets and the more the significant the designated heritage asset, the greater the presumption in favour of its conservation should be.” and then goes on to say “Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting” and “that the greater the harm to the significance of the heritage asset the greater justification will be needed for any loss”.

Historic Environment Planning Practice Guide is read in conjunction with PPS5 paragraph 149 states that original materials normally only need to be replaced when they have failed in their structural purpose, and that repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity, ensures the repair is technically and visually compatible, minimises the use of new resources and reduces waste. Paragraph 152 deals specifically with windows: and states “Doors and windows are frequently key to the significance of a building. Change is therefore advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail. Secondary glazing is usually more appropriate than double-glazing where the window itself is of significance. As with the building as a whole, it is more appropriate to deal with timber decay and similar threats by addressing the cause of the decay rather than treating the symptoms, but where remedial works are shown to be necessary, minimum interference to achieve reasonable long term stability is the most sustainable approach.”

London Terrace Houses 1660-1860 – A Guide to Alterations and Extensions (page 10) states that “Existing windows should be retained and repaired, unless they are obviously inappropriate or in a very poor condition.” It continues “Where new windows are required, careful consideration should be given to the reinstatement of original patterns of glazing bars where these are known...the exact dimensions of glazing bars vary greatly depending on the date of the building and these refinements should always be carefully respected...Standard factory made windows in timber, aluminium, UPVC or steel are not acceptable as these are almost always damaging to the character and appearance of historic buildings. For similar reasons double-glazed sealed units set in existing frames should be avoided. Carefully designed secondary glazing can sometimes offer an acceptable alternative provided it does not compromise panelled window reveals or other internal details”.

As such the applicant would need to supply written and visual justification for replacing the windows and correct the plans, including existing window sections, so that they accurately reflect the proposal. The agent has refused to do so.

Summary

Although the proposal is acceptable in terms of bringing sub-standard accommodation up to an acceptable standard, the refusal of the applicant to provide further information, specifically details of the mechanical extraction systems and accurate details of the replacement windows along with justification for the loss of original historic windows of interest, means that the Council cannot fully assess the proposed alterations and how they would affect the special architectural or historic interest and character of the building.

Recommendation

Refuse Planning Permission

Refuse Listed Building Consent

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